

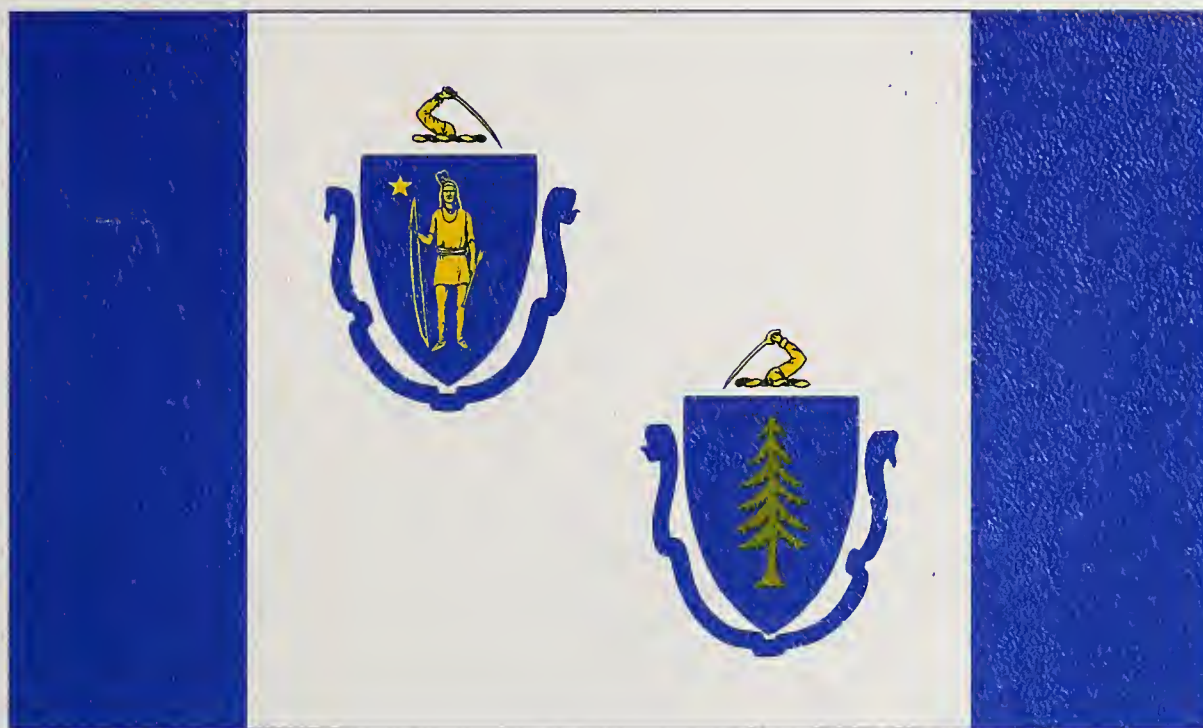
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# Achievements



## Massachusetts Legislature 1971-1972

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OFFICE OF THE SPEAKER  
HOUSE OF REPRESENTATIVES  
ROOM 355 — STATE HOUSE  
BOSTON, MASSACHUSETTS 02133



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**Achievements of the 1971-1972  
Massachusetts Legislature**

**Office of the Speaker of the  
House of Representatives  
Room 355, State House  
Boston, Massachusetts**

**Prepared Under the Direction  
of Speaker David M. Bartley  
by**

**Speaker's Staff  
Joint Legislative Committee Staff  
Participants in the  
Summer Legislative Intern Program**

**Printed on 100% Re-cycled Paper .**



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# The Commonwealth of Massachusetts

## House of Representatives

State House, Boston

To the people of Massachusetts:

The purpose of this booklet is to acquaint you with the work of the Massachusetts Legislature during the 1971-72 Biennium.

In many ways, this report is more of a "Legislative Almanac" than simply a rundown of legislative accomplishments.

Recording "what passed" is important. But it's also important to understand the effects of legislation-made-law.

And it's equally important to understand the context in which laws are considered, the financial status of the Commonwealth, the issue of revenue sharing between the state and its cities and towns, constitutional amendments, and, certainly, the administrative and procedural problems unique to legislative bodies. These issues, as well, are covered in this report.

I would hope that you would find this a useful, as well as interesting, document.

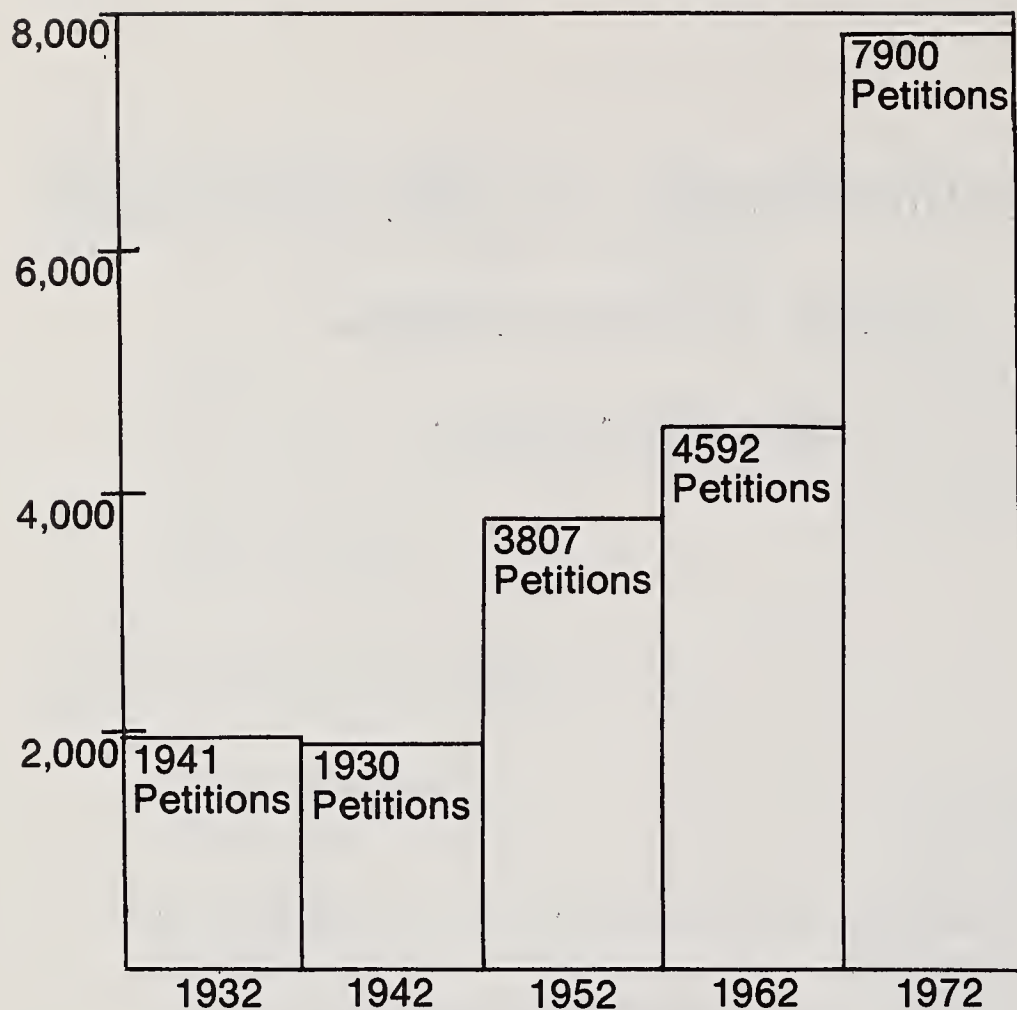
I would hope that this report will give you a better understanding and a better appreciation of the work of your Legislature.

Sincerely,

A handwritten signature in black ink, reading "David M. Bartley".

David M. Bartley  
Speaker of the House

## LEGISLATIVE PETITIONS

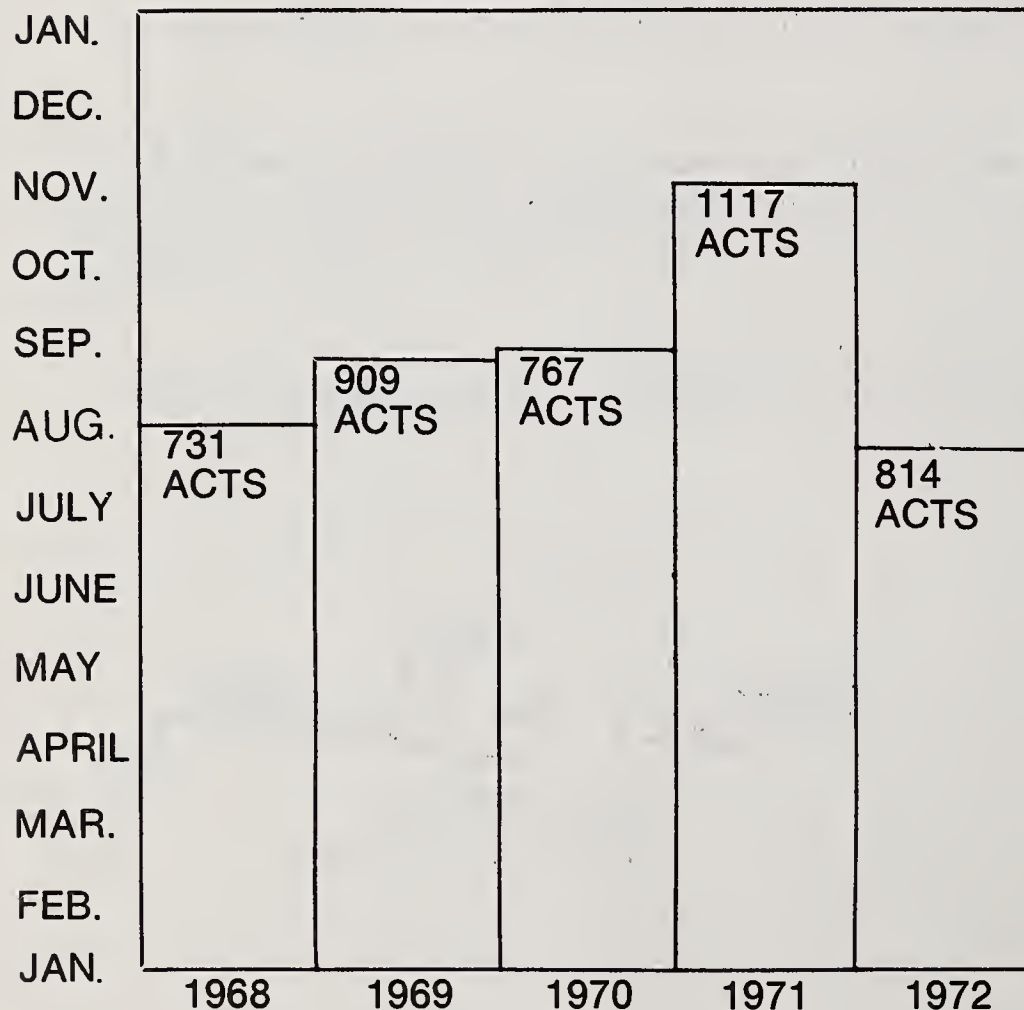


The Massachusetts Legislature is regarded as one of the busiest and most productive in the nation.

**The top chart** indicates the growth of legislative business over the past half-century. It is important to note that the Massachusetts Legislature maintains the old colonial tradition of the "Right of Free Petition." This means that any citizen can file a petition to the Legislature on any matter.

Should this unique participatory right be allowed to continue in the face of a major increase in workload? Or is the "Right of Free Petition" an archaic tradition which should be scrapped?

## PROROGATION DATE



**The bottom chart** shows the amount of legislation passed in each of the last five years, and the date when the session ended. Approximately 10 percent of all proposals filed eventually become law.

The length of legislative sessions in Massachusetts is not limited by law. Such open-ended sessions are regarded as procedurally desirable by most political scientists. Many states are now moving to adopt the Massachusetts unlimited session as an answer to increased workloads and year-round ability to meet developing public issues.

## FIRST IN THE NATION LEGISLATION

The Massachusetts General Court has a long history of progressive and pioneering efforts. Political scientist Jack L. Walker of the University of Michigan in a recent study of state governments for the American Political Science Review (Vol. LXIII No. 3 pp. 880ff) ranked Massachusetts as the “second most innovative” in the nation, trailing only New York. Dr. Walker noted: “States like New York, Massachusetts, California, and Michigan should be seen as regional pace-setters, each of which has a group of followers, usually within their own region of the country, that tend to adopt programs only after the pioneers have led the way.” The list below is a brief compendium of some of the “First in the Nation” and other pioneering efforts that earned the General Court its high rank:

- 1630** — First session of the General Court held October 17.
- 1644** — First time House of Deputies separated from the House of Magistrates.
- 1676** — First legislation for the care of the “insane”.
- 1692** — House of Deputies renamed House of Representatives. (First time this name ever used).
- 1764** — First Official Census authorized by the General Court.
- 1780** — First General Court under the new Constitution — oldest written Constitution in use in the world — prototype for the Federal Constitution framed in 1787.
- 1788** — First state to outlaw African Slave Trade.
- 1820** — First amendment to the Constitution accepted granting voting privileges to all male citizens over twenty-one years of age.
- 1821** — First Public High Schools are established.
- 1836** — First state to regulate investments by insurance companies.
- 1837** — First state Board of Education in the United States — Horace Mann, a former member of the Massachusetts House, appointed its first Chairman.
- 1841** — First state to adopt a probation system.
- 1842** — First state to enact laws regulating child labor.
- 1843** — Pioneers in the treatment of the mentally retarded — led by Dorothea Dix and Dr. Samuel Woodward.
- 1847** — Cities and towns authorized to provide for adult education.
- 1852** — First mandatory school attendance law.
- 1855** — First Department of Insurance in the nation.
- 1855** — First Bill prohibiting discrimination based on race, creed, color, or religious opinion in establishing qualifications for admission into public schools.
- 1864** — First state to establish a Board of Health.
- 1865** — First state to create a law enforcement agency with police powers everywhere in the state — Department of Public Safety.
- 1869** — First to establish a Bureau of Labor Statistics to gather and compile information on the wage earners of the state.



- 1885 — Constitutional Amendment ratified granting the General Court the power to regulate elections.
- 1888 — First use of the Reform-oriented “Australian Ballot” authorized by the General Court.
- 1893 — First State Highway Department in the nation.
- 1900 — First proposed motor vehicle legislation — requiring that automobiles be equipped with bumpers.
- 1912 — First state in the nation to establish retirement system for Public employees.
- 1912 — First minimum wage law in the nation enacted June 4.
- 1913 — First law (Briggs Law) in the United States to require examination by two appointed psychiatrists for people accused of capital or repeated offenses.
- 1918 — First state Board of Housing.
- 1918 — First public housing project in the nation completed in Lowell.
- 1919 — Designation of the responsibility for preparation of the budget to the Governor in an effort to modernize government.
- 1923 — First women elected to the Massachusetts House of Representatives.
- 1926 — First woman to serve as Speaker Pro Tempore of the House — M. Sylvia Donaldson.
- 1928 — First shellfish purification plant.
- 1930 — First state to employ females as Police Officers.
- 1948 — First state to tie public assistance grants to the cost of living index.
- 1955 — First contributory program of group insurance combining life and health insurance for state employees.
- 1957 — Farm-labor minimum wage act.
- 1962 — First state-wide program for the detention of Phenylketenuria in babies.
- 1963 — Establishment of the Consumer’s Council.
- 1965 — First Racial Imbalance Law in the nation.
- 1966 — Massachusetts Housing Finance Agency established.
- 1967 — Truth-in-Advertising Act.
- 1967 — Truth-in-Lending Act.
- 1968 — Establishment of Department of Community Affairs.
- 1968 — Gun Control Act.
- 1968 — Insurance Policy Discrimination Act.
- 1968 — Auto Insurance Cancellation Act.
- 1968 — Fire Insurance Cancellation Act.
- 1969 — First in the nation “Anti-Snob Zoning Law” to aid the construction of public housing.
- 1969 — Massachusetts Medicaid Act.
- 1970 — First state Unit Pricing Law.

**CONSUMER PROTECTION LAWS**



- 1970** — No Fault Insurance — first in the nation proposal concerning automobile accident claims.
- 1970** — Shea Bill — first in the nation attempt to clarify the war-time powers of the President and Congress.
- 1971** — First in the nation Bi-Lingual Education Law.
- 1971** — First state to adopt a Lead Paint-Poisoning Law.
- 1971** — Comprehensive revision of the laws relating to alcoholism and public drunkenness.
- 1972** — Establishment of an Environmental Protection Division under the Attorney General with the strict requirement of Environmental Impact Reports to be filed before the start of all major public projects.
- 1972** — A new office of Children's Affairs created.
- 1972** — A community based corrections system which has the potential to be the most unique and extensive in the nation, surpassing even that of California.
- 1972** — A national model law on "Special Education" guaranteeing equal educational opportunity to physically and emotionally handicapped youngsters formerly considered "uneducable."

## **AREAS OF LEGISLATIVE EMPHASIS**

During the last several years the leadership of the General Court has sought to reform legislative procedures and to increase the effectiveness of the Legislature by increasing the size and expertise of the staff assigned to individual Representatives and Senators and to the standing committees.

As late as the mid-Sixties, most legislators conducted their official duties at the State House under the most primitive conditions. An estimated seventy percent of legislators didn't even have such rudimentary items as a desk, a telephone, secretarial/clerical assistance, or research assistance. Their offices, as the saying went, were their jacket pockets. They shared a small, common bank of telephones in an overcrowded lobby.

New administrative and research tools have now been made available to every legislator, increasing their ability to do a better job and to be more fully prepared to confront the issues facing the Commonwealth. And the up-grading of clerical/research and support facilities will continue.

The problems which must be faced are many and diverse.

The need for research and preparation are vital when such complex issues as housing and welfare, drugs and education, the environment and consumer affairs are confronted.

Following is an over-view of areas of major legislative involvement and social importance.

### **YOUTH—DRUGS—EDUCATION**

These areas have been of increasing concern to the Legislature in the last few years; the result of which has been rapid changes in many problem areas and the shattering of many "myths". Both the Department of Youth Services and the Department of Mental Health were re-organized in the late 1960's to make them more effective and responsive agencies. A comprehensive Drug Law, was enacted in 1971 and a bill was passed to abolish the "crime" of public drunkenness so that the alcoholic can be treated as a medically ill person rather than as a criminal. Also, two very important educational bills were enacted, the Bi-Lingual Education Law in 1971 and the Bartley-Daly Act (Special Education) in 1972. These last two laws are analyzed in detail on the following pages.

Additional references may be made to the committees on Social Welfare, Education and the Judiciary in connection with these areas of legislative emphasis.

### **HOUSING—WELFARE—ELDERLY**

The first state sponsored public housing project in the United States was built in Lowell in 1918 and the first elderly housing project was constructed in Somerville in the mid-1950's. These are two examples of the commitment of the Commonwealth to those who need low or moderate income housing; a commitment that continues now as demonstrated in the \$1 billion dollar authorization of 1970-1971 to the Mass. Housing and Finance Agency and the tens of thousands of housing units the Commonwealth has constructed in the last quarter century. A more detailed outline of the major legislation concerning Housing and the Elderly are included in separate sections of this report.

Some of the more notable legislation enacted in these inter-related areas are included in this report under the committee reports of Urban Affairs, Social Welfare, Taxation and State Administration. Additionally, references may be made to the various charts and graphs depicting budgetary expenditures.



## EDUCATION/CHILDREN

During the 1971-72 session of the Legislature, two landmark pieces of education legislation were signed into law — the Transitional Bilingual Education Act of 1971 and the Special Education Act of 1972.

**Transitional bilingual education:** Massachusetts became the first state in the nation to pass legislation aimed at providing quality education for non-English speaking residents. The problem was a simple but serious one.

Non-English speaking children would be placed in classes conducted in English. They would not understand what was going on. They would become restless, bored, fall behind in their school work, maybe drop out of school. Some didn't bother to go to school at all. To these children school was an unintelligible disaster. The repudiation of the child's mother tongue was often mistaken as a repudiation of the child's culture and identity.

The Bilingual Act seeks to change all of this. The key is the word "transitional". Non-English speaking children are to be placed in a classroom where instruction will be in *their native tongue*. Gradually, over a three year period, English will be used more and more until, finally, the youngster will be able to leave the program. What is significant is that while struggling to learn a new language, the child will no longer fall behind in all other subjects. His math, social studies and science will be taught in a bilingual setting. Whenever and as soon as possible, the youngster will be placed in integrated programs.

The funding provision of the Bilingual Act is based on the philosophy that cities and towns have a legal responsibility to provide education for all children within their jurisdiction. Thus, under the funding formula, the city or town is responsible for paying the average per pupil expenditure for all non-English speaking children. The state, in turn, assumes 100% of the excess cost. The Act will assist Spanish, Chinese, Portuguese, Italian, French, and Greek youngsters.

A state-wide citizen's Coalition for Bilingual Education was formed in 1971 to insure passage of this legislation. This umbrella organization was crucial in providing great insight and expertise in drafting and redrafting the Bilingual Act. The Coalition was, in every sense, an example of participatory democracy. A partial listing of those involved in the process includes the following:

Task Force on Children out of School  
Spanish Alliance  
Roxbury Multi-Service Center  
Harvard Center for Law and Education  
Boston Department of Bilingual Education  
United Community Services  
Mayor's Office of Public Service  
Massachusetts Association of Social Workers  
PUENTE  
Lawyers Commission for Civil Rights Under Law  
Massachusetts Teachers Association  
League of Women Voters  
Massachusetts Law Reform Institute  
Action for Boston Community Development  
State Board of Education  
Boston Urban Priests  
Boston Urban Sisters

Bridge Fund, Inc.  
Cooperative Metropolitan Ministers  
Massachusetts Commission Against Discrimination  
Boston Chamber of Commerce  
Massachusetts Council of Churches  
Massachusetts Federation of Teachers  
Various Area Planning Action Councils  
Portuguese Education Society of Greater New Bedford

**Special education act of 1972:** This act is a sweeping revision of the laws relating to children with learning disabilities. Its chief aim is to provide quality education to *all* children, regardless of their individual special needs.

The old law failed to provide this service in several ways. The amount of state reimbursement for educating a child with special needs varied according to the specific need. A blind child's education was reimbursed 100% by the state. An emotionally disturbed child's education, on the other hand, was only reimbursed by 50%. The Special Education Act changed this funding formula. It is now based on the reimbursement formula of the Bilingual Act. The city or town pays the average excess cost of the Special Education Program up to 110% of the state-wide average for similar programs. The 110% ceiling was added to make the reimbursement formula more equalizing.

The second major change is the removal of the statutory label "uneducable" child. Under the old law the state must only educate "educable" children. The random labeling of children as "uneducable" guaranteed a child's failure.

In October, 1971, a federal district court in Pennsylvania held that that state had a legal obligation to educate *all* children. Pennsylvania is now under court order to do what Massachusetts has done through the legislative process. The Special Education Act also provides for the establishment of school departments within state institutions.

Perhaps the key to the success of the Special Education Act is the detailed section on child evaluation. The law's goal is to insure that all children requiring special education be placed in programs which will directly benefit them. Conversely, the law is aimed at preventing erroneous placement of children.

Again in 1972, a strong citizens' coalition worked closely with the Legislature to achieve the successful passage of the Special Education Act. Many meetings were held with representatives of the organizations listed below to receive their ideas and suggestions regarding the content of this act. In the final analysis, almost all drafting changes made from the filing date to the bill signing were a result of the suggestions made by doctors, parents, teachers, and other professionals who had a first hand knowledge of the problems and needs in the area of special education. Below is a partial list of Coalition members:

Association for Mentally Ill Children  
Boston Chamber of Commerce  
Boston Children's Services  
Coalition for Children  
Harvard Center for Law and Education  
Industrial School for Crippled Children Alumni Association  
League of Women Voters of Massachusetts  
Massachusetts Association for Children with Learning Disabilities  
Massachusetts Association for Retarded Children Inc.  
Massachusetts Association of Paraplegics Inc.  
Massachusetts Association for Mental Health  
Massachusetts Children's Lobby



Massachusetts Congress of Parents and Teachers  
Massachusetts Council of Churches  
Massachusetts Council of Organizations of the Handicapped  
Massachusetts Hospital School Alumni Association  
Massachusetts Mental Health Center Area Board  
Massachusetts U.N.O.  
Muscular Dystrophy Associations of America Inc., Greater Boston Chapter  
National Association for Brain-Injured Children  
National Association of Social Workers, Eastern Massachusetts Chapter  
National Society for Autistic Children  
Task Force on Children Out of School  
Task Force on the Handicapped  
United Cerebral Palsy Association of Metropolitan Boston

## DRUGS

**Omnibus Drug Legislation Ch. 1071 Acts 1971:** The Legislative Commission on Drug Abuse filed an omnibus drug bill to recodify the Massachusetts Narcotics and Harmful Drug Laws as were promulgated by Chapter 94 of the General Laws. That legislation was the result of months of cooperative effort by the Drug Commission working in conjunction with the offices of the Governor, the Senate President, the Speaker of the House, the House Minority Leader, the Norfolk County District Attorney and Robert Glass, Legal Counsel for the Boston Police Department. Important support for legislation came from WBZ Radio-TV which had made drug reform its major editorial project of the year, and also from the Committee for a Sane Drug Policy.

This recodification was necessitated by the fundamental need for the Commonwealth to modernize its antiquated drug laws in an effort to conform to the Federal Uniform Controlled Substances Act which Congress passed in 1970. Chapter 1071 adequately fulfills Massachusetts need for modernization and conformity. The legislation is progressive enough to realistically deal with the drug problem; and yet, it is so responsibly drafted as to provide our enforcement authorities with a full spectrum of controls.

Chapter 1071 of 1971, has incorporated such sweeping reforms as: eliminating the "being present" law, except in the case of heroin; the complete rescheduling of drugs according to a decelerating scale of harm and abuse potential; the repeal of many of the minimum sentences for drug offenses, allowing judges, probation officers and prison personnel maximum discretion to treat each individual drug offender as they professionally determine; and the broadening of an offender's chance for probation and the sealing of the record in the case of first offense for possession of drugs.

The key feature of this legislation is the promulgation of two drug schedules. The first schedule, adopted by reference to the Federal schedule, is for the administrative control of the legitimate drug industry conforming exactly to the schedules in the Federal Act. The second schedule is specifically used as a penalty schedule, classifying drugs according to a decelerating scale of harm and abuse potential. It is this unique feature which makes Chapter 1071 the most progressive drug legislation in the nation.

The Massachusetts Uniform Controlled Substances Act also provides law enforcement agencies with such specific controls as:

1. Confiscation of vehicles used to transport drugs.
2. Exemption of police from certain criminal and/or civil liabilities.
3. Conspiracy provisions.
4. The right to arrest a suspected drug pusher without a warrant.
5. Controls of all drugs including prescription drugs.

6. Allows the police to enter the domicile of a suspected drug pusher without a warrant (in emergency situations).
7. Prevents drug manufacturers from dispensing most free drug samples.
8. Makes the penalties for possession with intent to sell a great deal more stringent.

Chapter 1071 of 1971 is unique, it is progressive; and yet, it maintains and in some cases strengthens the uncompromisingly tough criminal sanctions relative to the drug pusher and those who prey off the weaknesses of others. Administrative provisions of the law are rigid; and yet, still allow for research, manufacture and sale without placing burdensome regulations on the pharmaceutical or medical professions. This statute will act as a catalyst to form a unified front with which to combat the trafficking in human misery in the Commonwealth.

## ALCOHOLISM

**Alcoholism Reform Act: Chapter 1076, 1971:** During 1969 the State Department of Corrections and the Massachusetts Attorney General's Task Force estimated that 60,000 annual arrests occurred due to public intoxication and that "stays" in jails, hospitals, sanitariums averaged from twenty four hours to seven days.

Between 1950 and 1969, 1,161,137 people in Massachusetts were arrested for public intoxication. The cost to the Commonwealth in tax dollars, based on estimates by the F.B.I., the Supreme Court, and state agencies was approximately \$92 million (@\$15.00 per arrest, \$8.00 per court case and \$90 per week on an average internment of six weeks — 122,394 incarcerated).

As important, an estimated 291,800 residents of Massachusetts suffer from the illness of alcoholism. Their illnesses are met with tragic silence. Psychiatrists refuse treatment until the person is willing to "reform".

Families slowly disintegrate, businesses collapse, careers are laid to waste, jobs are lost, and friends are driven away. Alcoholism hits the high salaried business executive, the day laborer, the career woman, the housewife, the retired elder and the high school dropout. The only long-term successful approach to helping the alcoholic has been Alcoholics Anonymous. AA was in the forefront in helping pass the Alcoholism Reform Act of 1971.

Chapter 1076 of the Acts of 1971 repeals the crime (1973) of public intoxication and creates, in the Department of Public Health, a Division of Alcoholism. The Division is mandated to establish detoxification clinics across the state and to provide for the administration of the clinics. Up to 500 hospital beds for the detoxification and evaluation of alcoholics are to be ready by 1974, with 55 in 1972 and 300 in 1973.

The Legislature in 1972 added \$100,000 to make the Division's FY 1973 budget \$2,121,304, thereby qualifying Massachusetts for receipt of almost 4 million dollars of federal alcoholism treatment funds. (Note: the Governor had cut the Division's request to \$2,021,678.)

Chapter 1076 specifically maintains state programs at Bridgewater and Framingham as supplementary services. The new law additionally requires that the Department of Mental Health and the Commission on Rehabilitation coordinate their efforts with the rehabilitation and treatment programs of the Department of Public Health.

Accident insurers are no longer allowed to refuse coverage for alcoholism related incidents as alcoholism must now be regarded as an illness/disease. Facilities serving as detoxification clinics and centers are included now under the definitions of general health supplies, cares, services and accommodations.

The Department of Public Health is required by law to submit an annual analysis of programs resulting from this law to the Governor and the General Court. An indepth coordinated review of state and local ordinances relative to the manufacture, sale and consumption of alcoholic beverages is required in 1973.



## **CORRECTIONS**

### **Omnibus Corrections Reform Act: chapter 777, 1972: a Correctional Reform Act:**

A correctional reform act was prepared by a Task Force of the Joint Correctional Planning Commission and was filed in the Massachusetts Legislature on February 9, 1972. The original version was criticized by Legislators on grounds that it covered many areas which did not require new legislative authority. Following meetings with the Senate President, Speaker of the House and the Joint Committee on Social Welfare the bill was subsequently amended to reflect these objections; all matters which the Commissioner of Correction now has sufficient authority to implement were eliminated. Also, the provisions to transfer parole officers to the Department of Corrections and to pay inmates a minimum wage were deleted. The following is a summary of this legislation which was prepared by the Department of Correction.

Chap. 777 seeks to help Massachusetts correctional agencies protect citizens from crime more effectively. The bill changes corrections laws in five areas: administration, community services, employment programs, security and state-county relations. Its central purpose is to improve the custody and rehabilitation of offenders and to prepare them more effectively for their reintegration into the community.

#### **Administration**

The bill revises the powers and duties of the Commissioner of Correction. It provides the Commissioner with the authority to establish and designate correctional facilities and clarifies his authority to contract with competent public and private entities for the purchase of services.

The bill creates the position of Deputy Commissioner for Community Services. He will plan and develop community programs in coordination with the Parole Board and supervise and direct Department of Corrections employees working in community-based correctional programs. It authorizes the Parole Board to hire an attorney and an executive secretary thereby strengthening its decision-making role and its ability to bring Parole Board expertise to bear on the planning and development of community programs.

Other provisions of the bill which help to improve corrections management include introduction of administrative procedures for rulemaking and expanded training provisions for correctional officers and employees. The bill broadens the range of training, provides for pre-service training and allows for the possibility of state-county agreements for training.

#### **Community services**

To enable the sound development of community-based correctional programs to meet the pre-release and post-release rehabilitation needs of offenders, the bill allows the Commissioner to establish some education, training, and employment programs outside of correctional facilities. Inmates now excluded from work release could be eligible to participate in such programs but only on special joint approval by the Superintendent and the Commissioner.

#### **Employment Programs**

In the area of offender employment, the bill makes four major changes. It clearly states that correctional employment programs are to be judged first by their training value, second by their relevance to the free employment market, and third by their profitability. The bill also permits appropriate deductions from inmate wages; for example, to defray expenses of incarceration, to pay court-ordered family support, and to reimburse local welfare departments. Third, the bill opens the private market, under certain conditions, to the goods and services produced in correctional industries. Fourth, the bill creates a Correctional Employment Fund, which will allow proceeds from employment programs to be used for operating expenses of the programs, including inmate wages.



## **Security**

The bill strengthens security in two ways. It requires the Commissioner to make contingency plans with the Commissioner of Public Safety. It also doubles the maximum penalty for state inmates who escape from work release programs; it accomplishes this by repealing the present penalty (maximum: five years for men, one year for women), leaving those who escape from a work release program liable to the general escape penalty (maximum: ten years for men, two years for women).

## **State-County Relations**

The provisions of the bill affecting state-county relationships consistently reflect two principles:

1. State take-over or any substantial state incursion into the operation of county facilities is neither feasible nor desirable.
2. The responsibility for operation and supervision of county programs should be clearly delineated.

The bill provides the Commissioner with regulatory powers and the duty to enforce minimum standards for all correctional facilities. The operational responsibility for county facilities continues to reside with county authorities.

The bill gives clear guidance as to the scope and content of regulations, outlines the process for promulgation of regulations, and provides for collaboration among state and county officials in setting standards and insuring compliance. The powers of county commissioners, city councilmen and other officials are otherwise unchanged by the bill.

## **Financial and Human Costs**

Chap. 777 does not commit the Commonwealth to any significant expenditure of funds in the immediate future. The only cost directly associated with the bill is the salary of the new Deputy Commissioner for Community Services. Otherwise, any other costs there may be from the implementation of Ch. 777 will largely be borne by Federal funds. \$510,000 in Law Enforcement Assistance Administration funds have already been committed to support the development of community-based correctional programs, pending the passage of this legislation.

The programs included in Ch. 777 are expected to help reduce some correctional costs. One important area of cost savings is that of capital outlay. Presently all institutions for male offenders are overcrowded. Population projections indicate that at least one new correctional institution will be needed in the immediate future at a cost of at least \$7.5 million in capital outlay. This cost can be avoided with the development of the community-based correctional facilities provided for in this bill. Capital outlay costs could be avoided if these facilities were established on a contract basis; in any event, the capital outlay cost would be much less than for traditional facilities.

Some cost savings will also be derived from the work release program. Participants in this program will be paying such costs as room and board, support to families, taxes, and reimbursement to the Department of Public Welfare.

Most importantly, a significant savings will occur in financial and human costs associated with a reduction in recidivism which is expected to result from the implementation of programs under Ch. 777. In jurisdictions where these types of programs have been instituted the reduction in recidivism has been substantial.

### **Ch. 172 of 1972:**

An Act expanding the eligibility of certain prisoners sentenced to life to serve part of their sentence at a prison camp.

### **Ch. 297 of 1972:**

An Act requiring that applicants for appointment as correction officers shall be high school graduates or the equivalent.

### **Ch. 311 of 1972:**

An Act providing for the appointment of school teachers in the Department of Correction. This measure will increase the opportunity for inmates to receive the education so many of them lack.



## CONSUMER AFFAIRS

Legislation in consumer affairs has gained the Legislature the reputation of being the most consumer-oriented in the country, as noted many times by the late Edgar Mills, of the *Christian Science Monitor*. Some of the more notable consumer legislation enacted during the two-year session of the General Court involves the setting of maximum rates on retail credit, the regulation of home improvement retail installment sales contracts, and the rights of the consumer to cancel contracts. Additionally, legislation has been effected giving the consumer the right to inspect and correct his credit bureau record, relieving him of the responsibility for unsolicited credit cards, and limiting the liability of the consumer in the use of lost or stolen credit cards. Four of the most significant pieces of consumer legislation in the nation have been enacted by the Massachusetts Legislature. These include the Truth in Lending Acts (1966), Truth in Advertising Act (1967), the Erroneous Billing Law (1971), and the Unit Pricing Act (1970). Passage of the Unit Pricing Act made Massachusetts the first state in the nation to require by law unit pricing of most packaged goods sold in retail stores. The statute gives the Consumer's Council the right to require the unit pricing of lists of commodities. (Refer to committees on Commerce and Labor, Insurance, Banks and Banking, and Taxation for further information.) Additionally, studies have been authorized to investigate such areas as food costs, credit bureaus, utilities, and deceptive trade practices.

## THE ELDERLY

The Massachusetts Legislature recognizes that it has a responsibility to all segments of its citizenry, both young and old.

In 1970, in fact, it was the Legislature which created the executive (Cabinet) Office of Elderly Affairs. The measure, co-sponsored by then-Senate President Maurice A. Donahue and Speaker Bartley, was designed to elevate to cabinet status the programs and problems of the elderly. The original Cabinet Act, as filed by the Governor, did not provide for a separate voice for the elderly among its nine cabinets.

For a variety of reasons the elderly need assistance to insure that they can maintain their place in society. The following actions have been taken by the General Court during the 1971-1972 Session in behalf of the elderly citizens of the Commonwealth.

The state elderly housing bond authorization has been increased from 260 to \$410 million and full debt servicing has been assumed by the State. The state will now pay for all projects up to \$60 million dollars and will pay all the interest and mortgage payments to local authorities for elderly housing.

The whole estate which an elderly person may have to qualify for real estate tax exemption was increased from \$30,000 to \$40,000 dollars and if married the combined total estate from \$35,000 to \$45,000 dollars.

A retail store which provides credit on charge account privileges is now prohibited from refusing to extend such privileges to a customer solely because that person has attained age sixty-two or over.

The transportation allowance for recipients of Old Age Assistance and Disability Assistance was increased in both 1971 and 1972. In the former category the transportation allowance was first increased from \$9.50 to \$12.50 a month and in 1972 from \$12.50 to \$17.50 a month. In the latter category the increase was from \$7.00 to \$10.00 in 1971 and from \$10.00 to \$15.00 in 1972.

The 1972 appropriation for Old Age Assistance was 78 million dollars. This has been increased for 1973 to \$88 million dollars. These figures do not include the 36% of medicaid payments which are made for persons over sixty-five years of age. The Legislature realizes that there are still many elderly persons who are in need of more assistance.



The Leisure Time Activities Allowance under Old Age Assistance was increased from \$26 a month to \$34.50 a month and it was established that a sum of \$15 a month will be paid to individuals receiving aid to the blind. This payment to the blind is in addition to any other sums and is known as "incidental expenses arising from blindness."

## HOUSING

The General Court has been particularly concerned with the development of an effective housing program for the Commonwealth. Such laws are now on the books and it is likely that most of the future controversy over Housing will involve establishing housing funds as priorities in the budgetary process, and locating housing developments.

Among the major accomplishments of the 1971 session of the Massachusetts Legislature were the passage of dramatic new housing legislation.

The action climaxed three years of progressive legislative effort giving Massachusetts a package of modern housing laws as diverse and useful as any in the country.

This public housing package will enable administrators to begin correcting some of the longstanding problems of existing public housing.

Chief among the provisions is a state commitment to pay up to six percent debt service on existing public housing bonds. Up to now rent money collected by the authorities had to be funneled into debt service, while repairs and modernization suffered.

During the 1970 session, a bill to provide \$15 million in modernization and repair funds for public housing was passed. The action that session gave further power to the authorities.

Other progressive steps in the 1971 legislation were: a 25 percent-of-income ceiling on rents that could be charged any tenant in public housing, no ceiling on funds for rental assistance programs, and \$150 million in bond authorization for public housing for the elderly. The activity in the housing field came about as a result of extensive efforts by many individuals and organizations dating back to 1965, including legislators, housing authority administrators, public officials and members of Citizens Housing and Planning Association.

The Massachusetts Housing Finance Agency (MHFA) was established by legislation passed in 1966. That agency has the power to float bonds to underwrite low cost mortgages for developers.

In return for that assistance, the developer must rent one quarter of the project to low-income families. The agency has been so successful that an initial bond authorization of \$50 million was boosted to \$500 million in 1970 and to \$1 billion in 1971.

Another aspect of the MHFA is the increased authorization for rent supplements passed this year. That will enable low-income families to move into the agency-backed developments.

Another housing program which will come into its own as the state begins to put the 1969 Anti-Snob Zoning Act into practice is the scattered site developments for public housing units.

The Legislature in 1971 approved a separate housing court to deal strictly with Boston landlord-tenant relations and with code violations. The Honorable Paul G. Garrity has been appointed as Judge and Edward Daher has been appointed to the clerk's post.

Two other pieces of legislation passed in 1971 are intended to eliminate discrimination in housing.

One law prohibits discrimination by rental property owners against people who are on welfare or receiving rental assistance. The second prohibits discrimination against persons with children who want to rent apartments or houses.

Despite the success of the Massachusetts housing laws, there is a great deal to be done before real progress is made in providing decent low-income housing in all cities and towns of the state.



Much of the time and energy spent on Beacon Hill in 1972 in housing was devoted to trying to win appropriation of monies needed to implement the public housing subsidies passed by the Legislature in 1970-71, but not recommended for appropriation by the Governor in his budget. This effort was partly successful, at last for the elderly. But the major budget item needed to reduce family public housing rents to 25 pct. of income was never requested by the Governor's Office, and thus could not be appropriated. Rental assistance stayed with just enough money to maintain the program at its present level. A summary of how the housing assistance budget finally was resolved is found below.

One major piece of legislation which will mark the 1972 legislature in housing was the statewide building code. A second major bill provided tenants the right to repair substandard conditions when a landlord refuses to do so. Other major bills such as warranty of fitness and right to withhold rent without written notice or certified code violation were also passed.

Stronger anti-blockbusting legislation was passed making such practices a violation of the State's anti-discrimination laws and making violators subject to action by the Attorney General.

#### **SUMMARY OF FUNDING HOUSING IN 1973 STATE BUDGET**

<b>DEBT SERVICE SUBSIDY</b>	<b>GOVERNOR'S BUDGET</b>	<b>DEPARTMENT NEED</b>	<b>AMOUNT PASSED BY LEGISLATURE</b>
Veterans Housing	\$5,692,790	\$7,889,626	\$7,889,626
Elderly Housing	\$6,851,440	\$9,079,024	\$9,079,024
<b>Total Debt Service Subsidy</b>	<b>\$12,544,230</b>	<b>\$16,968,650</b>	<b>\$16,968,650</b>
<b>OPERATING SUBSIDY</b>	<b>GOVERNOR'S BUDGET</b>	<b>NEED</b>	<b>AMOUNT PASSED</b>
Veterans	\$ 0	\$8,165,101	\$ 0 <sup>(1)</sup>
Elderly	\$450,000	\$1,778,164	\$1,600,000
<b>Total Operating Subsidy</b>	<b>\$450,000</b>	<b>\$9,943,265</b>	<b>\$1,600,000</b>
<b>RENTAL ASSISTANCE</b>	<b>\$1,750,000</b>	<b>\$3,000,000</b>	<b>\$1,750,000</b>

Passage of Chapter 853 in 1970 and Chapter 1114 in 1971, placing a statutory limit of 25% of income on rents to be paid for tenants in State-aided public housing, removed from local housing authorities the option of raising tenant rents to meet the rising costs of operating State-aided housing developments. To implement the rent ceilings for the elderly and families, the Commonwealth was required to fund an operating subsidy for the local housing authorities to make up monies lost to them by reducing rents to 25% of income. The cost figures developed by the Department of Community Affairs and the Executive Office for Communities and Development were \$1,778,164 for the elderly subsidy, \$8,165,101 for the families.

Chapter 1114 of 1971 also established payments by the Commonwealth for the debt service of the housing developments at 6% interest, up from the previous 4%. The figure for this payment was \$7,889,626.

(1) Because no additional funds were requested by the Executive, no additional funds could be inserted in the budget. (The legislature can add to or delete from budget recommendations by the Governor. It cannot initiate budget items itself.) The result was a suit against the Executive by tenants groups around the Commonwealth. At issue was the legal requirement mandated by Chapters 853 of 1970 and 1114 of 1971 requiring the Governor to fulfill the law by requesting the necessary funds. Failing to do so, the tenants are petitioning the Court to require the Governor to request the funds.



## TRANSPORTATION

During 1971-72 several pieces of major legislation in the area of transportation were filed and reported out favorably by the Joint Legislative Committee on Transportation.

These included:

1. a major commitment by the Commonwealth to undertake a three year accelerated road construction program costing approximately \$509 million dollars,
2. the creation of nine regional transit authorities outside the present M.B.T.A. district,
3. the continuation of state subsidization of commuter rail service on an annual basis,
4. the creation of a quasi-public railway corporation (Commonwealth Railways Corporation) to operate the railroads (Penn Central and B&M),
5. an initiative petition to allow diversion of gas tax funds for mass transit purposes in 1975,
6. emergency legislation to avoid a drastic reduction in M.B.T.A. service by mid-July and,
7. an authorization for the M.B.T.A. to issue \$124 million in bonds for expansion and improvement of service; this money makes the M.B.T.A. eligible for \$248 million in Federal Transit Funds.

Of the aforementioned pieces of legislation, the regional transit authority bill and the quasi-public railway corporation bill were not passed.

The accelerated highway program bill, the commuter rail annual subsidy bills, the emergency legislation to avoid an M.B.T.A. crisis, and the bond authorization were passed into law.

The major legislation which delayed prorogation of the 1971-72 Legislature was the bill dealing with the approval of a supplementary budget request of the M.B.T.A. board of directors. The legislation, as enacted, authorizes the Board of Directors of the M.B.T.A., on a unanimous vote to over-ride the budgetary veto power of the Advisory Board.

Filed by the Governor as part of a three-part MBTA crisis package, the veto-override is effective for one year. It is regarded as, at best, a stop-gap measure in the continuing MBTA fiscal crisis.

Other parts of the "crisis package", designed to have the state pick-up a greater share of the MBTA deficit on a state-wide basis, were defeated in a series of extremely close votes.

Taxpayers across the state presently pay \$24 million of the MBTA operating deficits through the cigarette tax. The state also finances debt service on some of the Authority's existing bonds.

## ENVIRONMENT

In the last four years the Massachusetts Great and General Court has enacted environmental legislation which is considered by many to be more significant and comprehensive than that of any other legislature in the nation.

For example, in the 1970 session of the Legislature alone, the General Court enacted more environmental legislation than any other session in the history of the Commonwealth. In the area of water pollution, \$275 million was allocated for grants for urban water pollution abatement and low-interest loans to businesses. Additionally, strict controls were set over radioactive wastes and mercury disposal; enforcement procedures were streamlined; oil tankers were required to post a \$25,000 bond against spillage; liability of clean-up costs would be assessed on the violators and more stringent restrictions on sewerage treatment plant operators and watercraft were designed. Also the 1970 session provided for the doubling of the ocean jurisdiction of the Commonwealth, controls over poisonous dumping at sea, the creation of a Cape Cod Open Sanctuary and new revenues for marine fisheries management.

Likewise, over 20 million dollars for recreational improvements and 3.5 million dollars for acquisition and preservation of the Boston Harbor Islands were allocated by the 1970 General Court.



Despite the numerous advances gained by the 1970 Legislature, many observers hailed the 1971 environmental achievements of the General Court as at least equal to and probably greater than the success of the prior session.

In 1971, overwhelming final legislative approval was given to the proposed Environmental Bill of Rights Amendment to the Massachusetts Constitution. Also, the innovative “Citizens Right to Sue Law” providing for citizen suits against polluters was passed.

A state Endangered Species Act and the Wild and Scenic Rivers Act were two more outstanding environmental advances of the 1971 session. Also, marine mineral resource protection legislation and the creation of two more ocean sanctuaries hallmarked this session. In addition \$5 million was allocated by the General Court for the immediate acquisition and preservation of ecologically invaluable wetlands. And statutes affording wetland areas greater protection were passed.

The problem of solid waste also was addressed in various legislative actions, including prohibitions on off-shore burning and importation of solid waste. A variety of air pollution statutes including inspection of motor vehicles and registration of air contamination sources also were enacted. Similarly, an additional \$5 million was devoted to recreational improvement, the powers of local Conservation Commissions were increased, littering penalties were strengthened, the powers of the Massachusetts Society for the Prevention of Cruelty to Animals were expanded and South Cape Beach on Cape Cod was preserved for public enjoyment, while the preservation of historic and antiquarian sites was facilitated.

A Special House Committee on Population Problems was established and a Legislative Committee on Land Use initiated.

The 1972 session of the General Court, assisted by continuing — though somewhat less vocal — public support for environmental protection, maintained the 1971 level of achievement.

Passage of the Environmental Policy Act, which established a Division of Environmental Protection in the Office of the Attorney General and mandated the formulation of environmental impact reports, complemented prior legislative environmental efforts.

Similarly, major strengthening of existing wetland protective statutes was attained as was new protection against thermal pollution. The Citizen’s Suit Law was expanded in scope and so was the Endangered Species Act.

A \$7 million restoration of the Charles River was authorized, and a major environmental commitment was made in a \$117.5 million dollar bond issue for water pollution, waterway improvement and diverse recreational betterments, including the long-sought modernization of Boston’s Franklin Park Zoo.

Likewise, a North Shore Ocean Sanctuary was established and various environmental safeguards were mandated for the Quabbin Reservoir Area and Boston Waterfront Tidelands. Also, a major restructuring of fees relating to fish and game activities was accomplished and protective statutes were enacted regarding certain birds of prey and equine species.

In addition, more restrictions were placed on motor vehicle emission of pollutants, littering penalties were increased and tax incentives were designed to promote industrial efforts to combat air pollution. Also, landowners liability was eased, in certain cases, to promote the use of private lands for recreational purposes.

Again, the preservation of historic sites by the Commonwealth was further facilitated by new Legislation. And, a Special House Committee concerned with the nutritional value of foodstuffs was established.

One can reflect upon these and other recent environmental efforts of the General Court as ample justification for the environmental accolades the Legislature has received.

This year, in fact, the Massachusetts Forest and Park Association singled out members of the Massachusetts Legislature for special tribute for their work on behalf of the environment.

“This is the first time in its 74-year history that the MFPA has made such awards for



cooperation on Beacon Hill with its conservation efforts,” the Spring edition of the Association’s *Forest and Park News* pointed out.

And that speaks for itself.

## ECONOMY

The national unemployment rate averaged 3.7% for the period 1966-1969. Massachusetts, for that same period, had an unemployment average of 4% of the work force.

Since 1969, the national unemployment average has crept up to almost 6%. But, in Massachusetts the unemployment rate spiralled to over 8% in mid 1972 with 7.1% of the work force unemployed during 1971. Between February, 1971, and February, 1972, 750,000 Massachusetts workers and their families were hit by the recession. And as importantly, countless more workers and their families are suffering because the work week is shorter and overtime more scarce in a recession. It is of little comfort to these workers to know that they are not counted in the unemployment rate. But to them, the loss of overtime often means the loss of solvency. Their break-even point is that close.

At the national level, the loss of jobs means the estimated loss of a staggering \$70 billion of output (more than double the total output of Massachusetts) and about \$23 billion of tax revenue to the federal government.

At the state level, similar analysis suggest a loss of output of about \$3 billion and a loss of revenue for the state and for local government of between \$200 and \$300 million. That is part of the fiscal problem confronting the Commonwealth.

The General Court has, in the last two years, allotted more and more of its time and resources to face this growing problem — even though it is really a problem which must be solved by executive agencies and particularly agencies on the federal level.

The record of the last two years shows that the legislature is willing to confront this problem with the same vigor it has confronted the problems of consumer protection, housing, and the environment.

In 1971, several measures dealing with specific metropolitan areas were enacted. An Economic Development Corporation for the greater Fitchburg area was authorized. The financing of industrial development for the 3,500,000 persons in Metropolitan Boston was aided by the creation of a Boston Economic Development and Industrial Corporation. In addition, money was allotted to help promote industrial development in Bristol County, one of the most severely hit and economically stagnant areas in the nation.

Similarly, early in the 1972 session, a measure was enacted which permits a District Planning Commission to act as an Economic Development Regional Commission. This legislation will be very important for the many small towns who are unable to fund individual development programs but who can now participate in regional programs to promote industrial development.

Late in the 1972 session, several laws were passed providing for various methods of obtaining financial assistance for manufacturers seeking to expand or build new manufacturing facilities, and to finance the purchase of air and water pollution abatement equipment.

The municipal revenue bond and financing law, (Chapter 40D 1967), is the basic tool of state aid for the economic development of local communities. This includes a “home rule” feature which permits municipalities to establish Industrial Development Financing Authorities by action of City Council with the approval of the Mayor, or the City Manager, or by a town at an annual or special town meeting.

Also, a new law permits a municipality to grant its full faith and credit to municipal bonds for financing industrial development projects.

Another new law amends Chapter 55 of the Acts of 1970, and allows for the lending or granting

of money to Industrial Development Financing Authorities for the purpose of providing for the financing of liquid waste disposal facilities. (This is an amendment to Chapter 1017 of the Acts of 1971, which provided for the financing of solid waste disposal facilities.)

A new law provides for the financing of pollution control facilities. Under this law, facilities for the prevention, and control of air or water pollution can be built by industrial establishments with the aid of municipal industrial revenue bonds.

Also, a new law was passed to create Economic Development and Industrial Corporations by municipalities, modeled after the Boston E.D.I.C. These "corporations" will provide for the financing of industrial development projects in accordance with an approved economic development plan. The Corporations may issue revenue bonds, finance pollution control facilities, borrow money from a municipality, receive grants and other things of value and operate as a separate corporate entity.

An important measure to promote industrial growth enacted in 1972 was the 3% investment tax credit law. This law is designed to encourage industry to add new employees through the modernization purchase of new facilities or equipment.

Earlier attempts by the Legislature to inaugurate a 1 pct. tax credit in 1968 and 1969 — in advance of the present job recession — were vetoed by Governors Volpe and Sargent. The 1 pct. credit was finally signed in 1970, on the third try. Some business economists claim that had the 1 pct. credit been approved by the Governor as far back as 1968, its impact would have help off-set some of the state's present economic problems.

An illustration of how the credit works, prepared by Secretary of Communities and Development Thomas Atkins, is found below.

**Manufacturing and Research and Development only**  
**Assuming X Corporation's Sales in the Year 1972 were**  
**\$5,500,000**

**Assuming X Corporation's Income Before Taxes for the**  
**taxable year 1972 were \$500,000 Tax is 8.55% of tax-**  
**able income \$500,000 x 8.55% = \$42,750.00**

**The Corporation's Taxable Tangible Property in Mass-**  
**achusetts is valued at . . . . . \$887,500.**  
**(Machinery & Equipment . . . . . 412,500)**  
**(Inventory . . . . . 475,000)**  
**Tax is \$7.98 per \$1,000 of valuation**  
**Tax \$887,500 ÷ 1000 x \$7.98 = 7,082.25**

---

**Total Tax Liability Before Credit . . . . . \$49,832.25**

**Assuming X. Corporation in the year 1972 Buys a**  
**Building for \$200,000 (exclusive of land)**

**Puts up an addition of 100,000**

**Buys and Places in Building Machinery and Equipment**  
**Valued at 200,000**

---

**Total \$500,000**



**3% Credit of New Investment**  
**500,000 x .03 = \$15,000**

**\$15,000.00**

**Total Tax Now Due Under Ch. 746 . . . . . \$34,832.25**

“The credit allowed by said section (section 31A of Chapter 63 of the General Laws) shall be three percent for taxable years ending on and after December 31, 1972 and before December 31, 1972 and as limited by paragraph 12 of Section 30 of said Chap. 63; provided however, that any corporation claiming such credit meets all other requirements of said section 31A; and provided further, that any corporation claiming such credit shall furnish such information relative to the job opportunities created by the investment for which the credit is allowed as is required by the commissioner of corporations and taxation, in a form approved by the state tax commission.”

## **LEGISLATIVE REFORM**

In 1969, Legislative leadership began a major overhaul of the physical facilities available for the State Legislature, the modernization of legislative procedures, and the computerization of the vast quantities of information necessary for the Legislature to operate efficiently.

Working with the Ad Hoc Coalition on Legislative Improvements (a citizen's group including organizations such as the Boston Chamber of Commerce, the Massachusetts Taxpayers Foundation, the Massachusetts League of Women Voters, Americans for Democratic Action, Citizens for Participation Politics.) key reforms were implemented. On December 8, 1970 House Speaker David M. Bartley reported that the engrossment “log jam” which had been a major obstacle to efficient prorogation would be ended because of new legislative equipment being installed and new procedures which would be adopted.

Below is a summary of the statement Speaker Bartley made to two hundred state and local League of Women Voters officials:

“As a result of our computerization of the printing procedures of the House, we are finally in a position to modernize the engrossment process,” the Speaker told the League. “The mechanical difficulties involved in engrossing bills has been in large measure responsible for interminable delays encountered each year at prorogation time.”

The Speaker said that the computer printing of bills — which hopefully will be in effect in 1971 — will make the former bill typists “final copy editors” who will simply certify the correctness of final draft legislation as its heads from the Legislature to the Governor's desk.

The volume of legislative business, the Speaker noted, has increased 300 percent since 1945. As a result, he said, new and faster means have been sought out to speed the mechanical part of the legislative workload.

Among the points made by the Speaker to the League:

\*In 1969, when he became Speaker, only 113 House members had desk space and secretarial service. In January, every member of the House will have a desk, a personal telephone, and secretarial services.

\*In 1971 committees and committee members will be located in the same rooms instead of being scattered throughout the building.



\*Professional staffing will be increased, and will be augmented by the addition of five full time graduate legislative interns and ten full time college students serving as legislative assistants.

\*An RCA data processing system, introduced in 1970, will be geared up to produce bills in printer format for offset.

\*A new legislative telephone switchboard and message center has been made fully operational for 1971.

\*Typewriting, composition and dictating equipment similar to a new system at the First National Bank of Boston has been introduced which will speed stenographic productivity without the necessity of hiring additional clerical employees. (Three month trial basis beginning in January.)

\*At the Speaker's directive all purchases of \$50. or more must be competitively bid; purchasing must now conform to State Purchasing Agent procedures; renovation contracts will be awarded in accordance with Bureau of Building Construction procedures; a new inventory supply system established and will be audited by the State Auditor.

\*College students to be phased in as court pages, on a part-time basis during the Legislative year only.

\*Sergeant at Arms staff has been reduced 12 percent since Speaker took office, on an attrition basis.

\*Legislative printing has been shifted to a new company, on a competitive bid basis; with expected savings of \$150,000 a year. New offset process will not only cut costs (approximately \$1 million spent annually for legislative printing) but will speed up printing and delivery process. Will be tied into legislative computer.

\*Telephone WATTS lines (long distance measured service in-state cut back at close of 1969 and 1970 legislative sessions at approximately annual saving on telephone bill of \$30,000 each year.

The Speaker pointed out to the League members that "true reform of the Legislature must address itself to the genuine deficiencies and the real problems which exist.

"True legislative reform," he said, "must, in practice, strengthen and improve the Legislative process, and not inadvertently weaken and destroy it."

In 1971 the Citizens Conference on State Legislatures, (CCSL) a non-profit, non-partisan organization based in Kansas City, Missouri, published a Legislative Evaluation Study of the various state legislatures.\*

Massachusetts ranked a disappointing 29th among the 50 states.

But the study — as it pointed out itself — was a measurement *not* of the legislative product of the respective states, but rather of the legislative machinery available in each state.

\*Citizens Conference on State Legislatures, *The Sometime Governments*, (Bantam Books, New York), 1971, 368 pp.

# 1972 CCSL LEGISLATIVE REFORM CHART

- ★ EXTENSIVE CHANGE
- CHANGE
- CHANGE NOT YET COMPLETED
- PROPOSED CHANGE

	TIME AVAILABLE	USE OF TIME	COMMITTEE STRUCTURE	COMMITTEE PROCEDURE	BILL PROCEDURE	OTHER LEGISLATIVE PROCEDURE	COMPENSATION	STAFF SERVICES	FACILITIES	STRUCTURE AND POWERS	ETHICS: CONFLICTS OF INTEREST
ALABAMA	●	■	■	■	■	■	●	■	■	■	■
ALASKA							■	■		■	
ARIZONA		■	■	■	★	■	●	■	■		
ARKANSAS			●				■	■	■	●	★
CALIFORNIA	●		1	■			★	■			
COLORADO			★	■	■		■	■		●	
CONNECTICUT	★		★		●	■	■	■	■	■	■
DELAWARE		■	■		■ 2		●	■	■	●	●
FLORIDA	■		■	■	★		■	■	●	■ 3	4
GEORGIA				■			●	■	■	■	
HAWAII		■	■	■			□	■	□		●
IDAHO			5				●	●			
ILLINOIS	★		■	■	■		■	■	●	■	■
INDIANA	★	■		■			■	■	■	■	
IOWA		■	■	■	■	●	●	★	■		■
KANSAS		■	■	■	■	■	●	■	■	■	★
KENTUCKY	□	□		□	□		□	□	■	□	□
LOUISIANA		■	■	■	■	■		●	■		
MAINE	■		★		■		■	■	■		■
MARYLAND	■	■	■		●	■	■	■	●	●	■
MASSACHUSETTS			■	■	★	■	●	■	■	■	■
MICHIGAN			■	■		■	■	■	■	●	
MINNESOTA		■	■	■	■	■	■	★	■		
MISSISSIPPI		■	■					■	●	■	■
MISSOURI	★	■		■	■	■	■	■			
MONTANA	●	■	■		■		■	■	■	■	■
NEBRASKA	★	■	■	■	■			■	■		
NEVADA		■		■	■		■			■	
NEW HAMPSHIRE	●	■		■		■			■		■
NEW JERSEY	■	■	■	■	■	■		■		■	■
NEW MEXICO			6		■		■				
NEW YORK		■	■	■	■		■	■	●	■	
NORTH CAROLINA	■	■			■		■	■	■		
NORTH DAKOTA			■		■	■	■	■	■		
OHIO		■	■	■	■			■	■		□
OKLAHOMA			7		■		■	■			
OREGON	●	■	■		■		■	■	●	■	
PENNSYLVANIA		■	■	■	■		■	■	●	■	
RHODE ISLAND	■	■		■	■		■	■	■		
SOUTH CAROLINA		■	■		■			■	■	●	●
SOUTH DAKOTA		■	■	■	■		■	■	■	■	●
TENNESSEE			8		■			■	★		
TEXAS		■			■	■	■	■	■		
UTAH			■		■	■	■	■	■	●	■
VERMONT	■	□					■	■	■		
VIRGINIA	★	■	■		■		■		■	■ 9	10
WASHINGTON	■	■					■	■	■	■	●
WEST VIRGINIA	★		11	■	■		★	■	●	□	
WISCONSIN	■	■	12		■		■	★	■		
WYOMING	●	■	■	■	■		■	■	■	■	■

## FOOTNOTES

1. The California Assembly increased the number of standing committees from 21 to 27; the Senate reduced the number of committees from 21 to 17.
2. Fiscal notes are used only in the House.
3. Reapportionment and redistricting will be taken up at the end of the 1972 session.
4. The Senate President reviews the filings of all senators of a business or personal nature that might cause a conflict.

5. The Idaho Senate reduced the number of its standing committees from 12 to 10.
6. The House increased its number of committees from 15 to 16.
7. Oklahoma increased the number of its standing committees.
8. The Tennessee House added two committees.
9. The Senate now has single member districts.
10. The Virginia conflict of interest law does not pertain to the legislature.
11. The Senate now has 16 standing committees instead of 15.
12. Both houses have increased the number of committees.



# The 29th State

By **BRIAN S. McNIFF**

**The Evening Gazette  
Boston Bureau**

BOSTON — The General Court of Massachusetts got a bad report card, unsolicited, last week. The Citizens Conference on State Legislatures announced that it ranks 29th out of 50 in effectiveness.

Both the General Court and the commonwealth itself will probably survive the shock.

The CCSL, financed by some \$200,000 in foundation money, evaluated all the state legislatures in these categories: functional, accountable, informed, independent, and representative. The Bay State ranking by category was, respectively: 32, 35, 22, 21, and 23.



**McNiff**

Actually, the CCSL put out six press releases and a 31-page summary. A paperback book will be published in the spring and technical reports will be available next month.

## **Latest Improvements**

The report notes that it "freezes" legislatures at a point, mid-1970, when all the studies were complete. In re-

acting to the report, Speaker David M. Bartley, D-Holyoke, listed 10 improvements that have occurred, or are about to occur, since then.

When the full reports are available, they may prove more informative than the summary, which is a marvelous combination of good intentions and vagueness. The General Court is mentioned few times in the summary and more often for good points than for bad.

Larry Margolis, executive director of CCSL, noted that the study "did not measure the product of the state legislatures, but only their procedures and operations." But, as the summary states, "The forms, organizational structure and procedures which the study measures are vital to the legislative performance."

The major question to be asked is: How vital and what are the preconceptions?

## **Excessive Representation**

One obvious preconception is that a legislature shouldn't have more than 100 members. Thus, not only Massachusetts but the other New England states get poor marks for just having too much representation.

"An adequately diverse and therefore representative legislature will have young, old and middle-aged members who reflect a variety of commitments to social, economic or ethnic groups, and who come from a variety of backgrounds."

To accomplish this goal as stated in the summary, CCSL proposes that Massachusetts get rid of 140 representatives.

It may be the stated divorce of product from procedure that produces a feeling of imbalance in the CCSL findings, but the emphasis on externals seems to miss the whole point of a representative legislature. And

this is despite the brave words on the value of state legislatures in general and criticism of the more carping down-graders of them.

The whole approach to the legislature seems to be that of the corporate manager; a significant, if narrow, outlook. The driving force seems to be to make the legislator a professional, an assistant vice president in charge of passing bills. A professional requires status symbols, hence the emphasis on salary, office space, lighting, and air conditioning.

"Salary is, in all probability, the clearest practical indicator of how highly the legislative function is regarded in a given state," the summary says. "The salary of \$200 a session which prevails in New Hampshire certainly adds little to the 'dignity of office.'"

## **Possible Resentment**

One suspects there are not a few flinty legislators in Concord who would flatten anyone who said that to their face.

The salary suggested for the Massachusetts legislator, pruned to the rank of 100, of course, is \$30,000 a year. That may be what the vice presidents with keys to the executive washroom get, but does the state want a legislature comprised of members of the corporate elite? Wellesley might send CARE packages to a legislator getting \$11,400, but New Bedford might find \$30,000 outrageous. The solution lies in between and the current members of the General Court can take heart from the fact that of the seven members of the governor's commission on legislative pay, three are from Wellesley.

The only New Englander on the CCSL board of trustees is president of The Center for Social Entrepreneurship Innovative Sciences, Inc., Greenwich, Conn.

*Worcester Evening Gazette, 1971*



# Beacon Hill

## *The legislature gets better marks this time*

By **HARRY T. WHITIN**  
Telegram Boston Bureau

BOSTON — Two years ago the Citizens Conference on State Legislatures created a bit of a fuss here when it rated the Massachusetts legislature 29th among the 50 state legislatures.

The report ranked the legislatures on procedures, staffing, pay and other aspects, not on performance or legislative products.

But the report came when the legislative reputation was at a low point — the same year the House and Senate had rejected the initiative petition calling for a House cut, and that naked display of political force colored most public impressions for months.

So the report ranking the legislature caught a lot of attention and the 29th spot finish of the Bay State legislature was deemed important.

### **In Process of Change**

The CCSL study came at a time when the legislature was in the midst of a re-evaluation of its own procedures and beginning to change the system.

Now, the Citizens Conference has come out with another report, and, although no ranking is made this time, Massachusetts seems to have improved considerably.

The latest conference report is contained in "Research Memorandum 15" put out by the Kansas City study group. Thus far, in Massachusetts at least, the report has attracted little or no attention.

In nine of the 11 evaluating categories established by the conference Massachusetts has changed for the better, the report indicates. In the remaining two categories — time available and use of time — the state already ranked high and no change was needed on the basis of the first report.

In one category — bill procedure — Massachusetts was listed as having accomplished extensive change. That rating came on the basis of changes in engrossing procedures, use of financial notes on committee reports, new printing procedures for legislative documents, continued use of computerization and an innovation in the handling of so-called "home rule" bills.

But more significant than any numerical statistics, the conference devoted two full pages of its 52-page book to the accomplishments of the Massachusetts legislature.

Among the changes cited by the conference:

- Passage of a constitutional amendment that will require single-member House districts by the 1974 state elections and initial approval of a second House-cut amendment.

- Abolition of 67 outdated special legislative commissions and return of \$183,783 in unused commission funds to the state treasury.

- Year-round staffing of the joint legislative committees, with fewer committee assignments for each legislator in an attempt to provide lawmakers with expertise in particular fields.

- Creation of a joint post-audit and oversight committee to keep tabs on executive department implementation of legislative mandates.

- Expanded physical facilities so that each legislator is given office space and access to clerical and secretarial help.

- New communications system, servicing the House, that includes an automatic roll-call notification system to alert members to pending roll calls.

- Establishment of an advisory board on legislative compensation to recommend salary levels for the lawmakers. The legislature has already acted on a board recommendation this year that will increase legislative pay 5.5 per cent in 1973 and 1974.

- Action on legislation to limit campaign spending and tighten up conflict-of-interest laws. The campaign-limits bill passed the House last year and died in the Senate. A similar bill has passed the House this year and is pending in the senate.

- Increasing use of a "declaration of policy" or "statement of intent" on bills that are given favorable committee reports.

The list continues with a number of highly technical changes in procedures.

### **Operations Improved**

The report indicates generally that the Bay State General Court has strengthened its procedures and improved its operation and the assumption is that if the states were to be ranked again, this time around Massachusetts would be fairly high on the list.

The CCSL report came in for a lot of criticism in 1970. Key officials in the study group had previously worked with either the California or New York legislatures and the one-two rankings garnered by those states were viewed with suspicion.

Then there were a lot of complaints that the conference looked at the state while the legislature was in the midst of changing and so did not get an accurate picture of the Massachusetts House and Senate.

But probably the most prevalent complaint was that the study did not consider legislative output. Citing the number of Massachusetts laws that have served as national models, legislative leaders suggested that on terms of legislative product, Massachusetts ranked as high as any state in the union.

### **Reaction This Time?**

It will be interesting to see their reaction now that Massachusetts has been viewed in a more favorable light by the Citizens Conference.

Regardless of how any such study group might rank the Bay Staters, there's little question that the emphasis has been on reform recently and the reform drive is bound to continue. An ad hoc Citizens Coalition for Improved Legislative Rules and Procedures has been quietly working behind the scenes with legislative leaders to work out more solutions to procedural problems.

Some major problems still remain — an antiquated, secrecy-oriented state budget, secret votes in committee on bills, few open Ways and Means Committee hearings, for example — but the outlook seems favorable.

And some in the legislative hierarchy are undoubtedly anxiously awaiting the day a new national ranking is produced.

**Worcester Telegram, 1972**



When contrasted with the Walker findings (see p. 5) in which Massachusetts ranked second nationally in innovativeness, it is apparent that over the years the Massachusetts Legislature was producing a quality legislative product although using very poor legislative tools.

Because of a time-lag between the actual study of legislative procedure and the publication of the study, many reforms suggested by the CCSL study had already been begun. This fact was later noted by the CCSL.

Nonetheless, endorsements of the project and pledges of continued cooperation with CCSL efforts were freely offered by the legislative leadership. In fact, both the Speaker of the House and the Senate President called for more advanced and sophisticated studies.

In April, 1972, the Citizens Conference on State Legislatures made public their follow-up analysis of the efforts of state legislature to improve their effectiveness.

While this evaluation did not include a new ranking system, it is certain that the General Court would have received a high rating by any measurement system.

The reform and modernization efforts of the General Court were afforded more space in the report than any other state legislature. (Likewise, CCSL officials informed House Speaker Bartley that the data and informational responses secured from his office in response to CCSL evaluative requests were among the most analytical and comprehensive to be received from any state legislature.)

Using the hallmarks “functional, accountable, informed, independent and representative”, the CCSL findings demonstrated that the General Court had achieved significant improvement. In 9 of 11 categories significant reform grades were achieved.

Notably, very few state legislatures evidenced greater change than the Great and General Court of Massachusetts. In some areas, other state legislatures registered modernizations which had already been accomplished by the General Court.

Significantly, the General Court was one of only three state legislatures to receive a ranking of “Extensive Change” in the category of Bill Procedure.

Among the innovations contributing to this outstanding status were:

- . modernization of the engrossing procedure
- . use of fiscal notes on county budgets
- . modernization of printing process by House of Representatives resulting in a \$350,000 saving
- . continued use of computerization to quicken the legislative process
- . innovative bill procedures by the Joint Legislative Committee on Local Affairs

The overall result of the CCSL evaluation demonstrated that the General Court has in recent years made many substantive advances designed to revitalize and modernize the legislative process in Massachusetts.

The CCSL listing of procedural and structural improvements complement the analysis of the Massachusetts legislative product made by University of Michigan Political Scientist Walker who ranked the “innovativeness” of this state as second in the nation. (see p. 5)

A similar assessment was recently offered by national political writer Neal Pierce, who contended that one of the main reasons for a Massachusetts renaissance is that, “the tradition-encrusted Massachusetts Legislature began to pioneer in field after field of creative social legislation.”\*

Speaking of the legislative accomplishments of the General Court, Pierce noted, “And, the record, in fact, is a remarkable one.”

\*Neal R. Pierce, *The Megastates of America* (New York, W.W. Norton & Co., New York) 1972 pp. 131 ff

## CONSTITUTIONAL AMENDMENTS

Our Constitution was adopted by vote of the people and it can be altered only by vote of the people, approving a specific amendment. There are, however, two different procedures for the formulation, consideration and submission of proposed amendments to the people for their approval or rejection. The first and most commonly used procedure leads to the submission of what the Constitution calls a *legislative amendment*. It is so-called because it originates in and is submitted to the people by the Legislature. The second procedure leads to the submission of an initiative amendment originating in an *initiative petition* signed by a specific number of voters.

### LEGISLATIVE AMENDMENTS

A proposal for an amendment to the Constitution may be introduced into the General Court by any member using the same procedure as is followed for the introduction of a petition for legislation. Such a proposal is referred to a joint committee. A public hearing is held, and the joint committee reports its recommendations to each branch of the General Court. Only if consideration of the proposal in a joint session of the two branches is called for by one branch is there any further action.

At a joint session of the House and Senate a majority vote (141) of all members elected is required to approve a proposed amendment. Once it is approved, it is referred to the next elected General Court.

Only when a proposal has been approved again by the succeeding General Court is it transmitted to the Secretary of State to be submitted to the people at the next state election.

### INITIATIVE AMENDMENTS

The Constitution provides a means by which citizens may secure submission of a proposed amendment to the Constitution which they cannot persuade a majority of the members of the General Court to approve. Such a measure may be introduced to the General Court by an initiative petition. The Constitution requires the General Court to act on a measure so introduced and if at least twenty-five percent (70 members) of the members of two successive General Courts favor it, the question will go on the ballot.†

Of the more than 69 proposed constitutional amendments acted upon by the 1971-72 Legislature in joint convention, the following are the most significant:

†This material was in part taken from the book by Elwyn E. Mariner; *This is Your Massachusetts Government*; Sixth Edition Pages 8 — 9.



**RECEIVED SECOND LEGISLATIVE APPROVAL:  
TO APPEAR ON NOVEMBER 1972 STATE BALLOT**

**Proposal for a legislative amendment to the Constitution permitting the assessment of agricultural of horticultural uses — 1971:**

All land in the Commonwealth is presently assessed, for taxation purposes, at the same rate. This proposal would classify land according to its uses — thus, assessing land used for agricultural and horticultural purposes at a rate lower than land used for industry. The effect of this amendment would be to ease the property tax burden on farmers and horticulturists and to provide a strong incentive for retention of “open space” land.

**Proposal for a Legislative Amendment to the Constitution Reducing the Voting Age to Eighteen — 1971:**

Prior to the introduction of this proposed amendment to the Constitution, the right to vote was restricted to 21 year olds. This Massachusetts effort to lower the voting age preceded the Federal Voting Rights Act of 1970 and the 26th Amendment to the United States Constitution. Although the proposed Massachusetts amendment will appear on the ballot in 1972, the issue has been settled by the ratification of the 26th amendment.

**Proposal for a Legislative Amendment to the Constitution Permitting the General Court to Authorize the Commonwealth to Make Loans to Students Attending a College, University or Other Institution of Higher Learning — 1971:**

This legislative amendment authorizes state loans to students attending a college, university or other institutions of higher learning. The Massachusetts Constitution presently prohibits the state from making loans to private individuals and with this amendment, the Commonwealth will be able to issue low-interest loans backed by the full credit of the state.

**Proposal For a Legislative Amendment to the Constitution Establishing the Right of the People to Clean Air and Water, Freedom from Excessive and Unnecessary Noise and the Natural, Scenic, Historic and Esthetic Qualities of Their Environment — 1971:**

Environmental Bill of Rights — Resoundingly approved by the membership of the General Court sitting in Joint Constitutional Convention, this Constitutional Amendment bestows a constitutional credential upon the right of every citizen of the Commonwealth to a healthy environment and establishes new stringent procedures for legislative approval of diversion of conservation lands to other uses. Again, the General Court was one of the first state legislatures to formulate and approve such an amendment. This amendment will appear upon the ballot in November 1972, for ratification by the voters of the Commonwealth.

**Proposal for a Legislative Amendment to the Constitution Authorizing the General Court to Impose and Levy a Graduated Income Tax and to Base Such a Tax Upon the Federal Income Tax: — 1971:**

The Massachusetts state income tax is currently levied as a flat percentage of income, thus imposing a heavy burden on low-income tax-payers who are taxed at the same rate as higher income taxpayers. This proposal will remove the Constitutional prohibition against a graduated income tax and permit the legislature to create a tax system that is more equitable, based on the

ability to pay, and that will increase state income-tax revenue without increasing the tax burden on low and moderate income families.

**Proposal for a Legislative Amendment to the Constitution Requiring the Retirement of Judges at Age Seventy – 1971:**

By adoption of the amendment, all judges, regardless of their date of appointment and years of service, would be required to retire at age 70. Presently, all judges initially appointed after July 31, 1956, upon completion of ten years of service or upon attaining the age of 70, whichever is later, must elect to retire. The effect of the proposed amendment would be to require those judges first appointed on or before July 31, 1956 or whose ten years of service would be completed after age 70 to conform to the judicial retirement statutes. The effect of this amendment will be to immediately remove 45 judges plus 52 more within 5 years from the bench when they attain 70 years of age.

The following is a breakdown of the number of judges who are 70 or approaching 70.

1	Supreme Judicial Court	1	within 5 yrs
10	Superior	8	within 5 yrs
6	Probate	6	within 5 yrs
1	Land Court	1	within 5 yrs
8	District	21	within 5 yrs
15	Specials	13	within 5 yrs
4	Boston Municipal Court	1	within 5 yrs
0	Juvenile	1	within 5 yrs

**RECEIVED FIRST LEGISLATIVE APPROVAL:  
REFERRED TO 1973-74 SESSION**

**Proposal for a Legislative Amendment to the Constitution making it lawful for the General Court to Make Grants-In-Aid to Private Higher Educational Institutions – 1972:**

Massachusetts private educational institutions perform an educational and public service function by helping to meet the needs of Massachusetts residents. These private institutions face serious financial problems with cutbacks, salary reductions, and elimination of programs having



taken place. These reductions threaten to force the closing of many of these institutions. The closings will have disastrous repercussions among the public colleges and universities which would be unable to handle or accommodate the overload and would require construction of several new schools costing hundreds of millions of dollars. This amendment will assist the private institutions and Massachusetts residents by allowing the Commonwealth to make grants-in-aid to private educational institutions and to students or parents of students attending private institutions.

**Proposal for an Initiative Amendment to the Constitution Providing for the Expenditure From the Highway Fund for Mass Transportation — 1972.**

Acceptance of this proposal for a legislative amendment would allow for the expenditure of money from the highway fund for Mass Transit Systems anywhere in the Commonwealth. The highway fund is sustained substantially by the state gasoline tax and is earmarked entirely for road-building, maintenance and related improvements. Reliance on highways has greatly increased the problems of air pollution-with 59.9% of the air pollutants in the Metropolitan Boston Area being emitted by motor vehicles.

Easy access to the inner city has become more and more difficult. This amendment would allow the Commonwealth to provide funds for a transportation system that maintains a balance between highways and Mass Transportation. This amendment removes the Constitutional obstacle to such a balanced system and gives the legislature the prerogative of determining how much money is spent and where it is spent. Having received initial approval from the 1971-72 session of the legislature, the amendment has been referred to the next General Court.

**Proposal for a Legislative Amendment to the Constitution reducing the membership of the House of Representatives from 240 to 160 — 1971:**

This amendment is a legislative petition to reduce the membership of the Massachusetts House of Representatives from 240 to 160 members. Each member would represent a single representative district, conforming with the soon-to-be effected constitutional amendment eliminating “double” and “triple” districts. The first such 160 member legislature would be elected in November, 1978, and would first sit in January, 1979. The crucial difference between this amendment and the citizens petition defeated in 1970 is that this amendment provides that the Legislature redistrict *itself*. The earlier amendment which was defeated proposed a 15-member redistricting mechanism under which two-thirds of the redistricting committee would be made up either directly or indirectly of appointees of the Governor. Such interference by the Executive Branch into such a fundamental Legislative process as redistricting is opposed by the Citizens Conference on State Legislatures (CCSL) as an intrusion into legislative independence. Thus, the present House-cut amendment, expected to be passed to the ballot in 1973-74 and approved by the voters in 1974, maintains legislative prerogatives in the important area of redistricting.

## Joint Legislative Committee Reports

### BANKS & BANKING

Senate Chairman — Irving Fishman (D-Newton)

House Chairmen — William Connell (D-Weymouth) (1971)

Paul Menton (D-Watertown) (1972)

1971-1972 Workload

329 Petitions

The Committee on Banks and Banking is responsible for Legislation concerning banking and financial institutions. In addition, the Committee deals with the problems of mortgages, homeownership, the financing industry and many other matters relating to the economy. The Committee has selected the following bills as representative of the most significant considered by the Committee and enacted during the two-year session.

**Ninety Percent Mortgage Loans — Ch. 52 Acts — 1971:** This act increases the maximum amount of a ninety percent mortgage loan from \$25,000 to \$36,000: This means that a prospective homeowner can now borrow \$11,000 while still paying a down payment of only ten percent.

**Dividend Rates — Ch. 354 Acts — 1971:** This act authorizes savings banks and co-operative banks to pay variable rates of dividends or interest for certain term deposit accounts.

**Leasing of Air Space — Ch. 352 Acts — 1971:** This legislation authorizes the making of mortgage loans for leasing air space over land owned or held by a city or town if the space is to be used for a nursing or convalescent home.

**Certification of Title — Ch. 547 Acts — 1972:** This law requires that a mortgagor or his attorney be given a copy of any certification of title to the mortgaged property rendered by the mortgagee's (bank's) attorney. The consumer may still be required to pay the bank's attorney's fee, but receives title protection that he has not had before.

**Interlocking Directorates — Ch. 520 Acts — 1972:** This act prohibits interlocking directorates for trustees, directors, or other officers of savings banks, cooperative banks and trust companies unless the Banking Commissioner certifies that a dual directorate would be in the public interest. What this means is that an officer of one bank cannot serve as an officer of another bank, therefore making the banks more competitive in interest rates, loan rates, etc.

**Home Buying for Lower Income People — Ch. 336 and 315 Acts — 1972:** These two new laws allow savings banks and cooperative banks to grant 95 percent mortgage loans as long as the amount above 80 percent is insured. What this basically means is that a person must now only put a 5% down payment on a home. Formerly, a 10% down payment was necessary. This is significant in that it is now possible for a wider segment of society to purchase their own home.

**Credit Cards — Ch. 381 Acts — 1972:** This new law now permits savings banks to issue credit cards at a set rate of interest per year. Formerly, only commercial banks could issue credit cards.

**Branch Banking — Ch. 76 Resolves — 1972:** This resolve provides for a special commission to



investigate the adequacy of the branch banking laws of the Commonwealth, including the possibility of branch banking across county lines.

## COMMERCE & LABOR

Senate Chairman -- Allan McKinnon (D-Weymouth)

House Chairman -- Anthony Scalli (D-Boston)

1971-72 Workload

709 Petitions

The Committee on Commerce & Labor has responsibility for matters relating to management-labor relations, unemployment compensation, workmen's compensation, wage and hour laws, and numerous other matters relating to the economic growth and stability of the Commonwealth. The Committee has selected the following as representative of the most important legislation heard by the Committee and enacted in the two year session.

**Highway Beautification Act — Ch. 1070 Acts — 1971:** This legislation brings Massachusetts into conformity with the Federal Highway Beautification Act and regulates the use of billboards adjacent to primary and limited-access highways. Passage of this act insures the future release of approximately \$16 million dollars in federal aid to highway construction.

**Unemployment — Ch. 756 Acts — 1971:** This act provides a 13 week extension of unemployment benefits from 39 to 52 weeks. This measure provides that the first 39 week period will be paid in full by the Federal government as well as reimbursements for this new period. This is in lieu of the normal program of full pay for only 30 weeks.

**Unemployment Conformity Bill — Ch. 940 Acts — 1971:** This act brings Massachusetts employment security laws in line with federal unemployment laws. All state employees of institutions of high learning and employees of state hospitals were covered as of January 1, 1972.

**Workmen's Compensation — Ch. 879 Acts — 1971:** This legislation increased the maximum worker's compensation weekly benefits from \$70 to \$77 per week as of November 1, 1971 and a further increase as of November 1, 1972 from \$77 to \$80.

**Elderly Consumer Education — Ch. 26 Resolves — 1971:** A resolve directing the Department of Community Affairs to cooperate with the Consumers' Council in planning and instituting programs of consumer education for the elderly.

**Tenant Right of Action Ch. 665 Acts — 1972:** This bill gives a tenant a right of action in tort against a landlord who, after receiving written notice of an unsafe condition in the building, fails to rectify the situation which results in an injury to the tenant or any other person rightfully on the premises.

**Minimum Wage — Ch. 752 Acts — 1972:** This act raises the minimum wage from \$1.75 to \$1.85 per hour. The increases of the last two years raised Massachusetts above the federal standard of \$1.60 per hour, since increased by Congress.

**Emergency Unemployment Benefits — Ch. 483 Acts — 1972:** This act provides emergency state

supplementary unemployment funds. The act was made necessary due to certain federal funds expiring under the Emergency Unemployment Compensation Act of 1971.

## COUNTIES

Senate Chairman — B. Joseph Tully (D-Dracut)  
House Chairman — Charles Flaherty (D-Cambridge)  
1971-72 Workload  
970 Petitions

The Joint Committee on Counties is responsible for legislation concerning county employees, county construction, county courts and jails and, very importantly, the examination of county budgets. The Committee selected the following bills as representative of the most significant legislation to be considered by the Committee and enacted during the two-year session.

**Increased Fees — Ch. 880 Acts — 1971:** This legislation increased fees charged by the Land Court, Registry of Probate and Insolvency and Registers of Deeds. The increase will raise approximately seven and one-half million dollars with the greatest amount being raised by the Registers of Deeds. All of this revenue reverts to the County for use in lowering the County assessment on cities and towns.

**Salaries of Clerks — Ch. 668 Acts — 1971:** This act increased the salaries of clerks and assistant clerks to a set salary and eliminated the previous five-step salary plan in effect. This was done by tying the clerk's salary to that of a percentage of the presiding Judge's salary. It also required a number of clerks who previously were permitted to practice law to relinquish their law practices within one year. It also increased from thirty-seven to fifty-two the number of full-time District Courts (out of a total of seventy-two).

**Interpreters for the Deaf - Ch. 609 Acts - 1971:** This legislation provided interpreters for deaf persons appearing in the District Courts. This will help protect the rights of deaf persons who are presently faced with a serious disadvantage when confronted with a court-room situation.

**Essex County Hospital - Ch. 687 Acts - 1972:** This act provides the authority for the Essex County Commissioners to use the land and building of the former Essex County Hospital for other County purposes. Land was previously protected from use because of an old law requiring that it be used solely for hospital purposes.

**Chapters 9, 10, 12, 13, 18 Acts - 1972:** These various bills either created or increased the amounts of money that Counties could expend for recreational, vocational, tourism, commercial and industrial promotions. These pieces of legislation permit the County to expend at a ratio of 3 to 1 for each dollar raised by private donations. The various counties have different limits to the amount that may be expended in the aggregate.

**Additional Court Officers - Ch. 211 Acts - 1972:** This legislation provides for initial and/or additional Court Officers in the various District Courts. Increased sessions due to increased caseloads necessitated the appointment of the additional court officers.

**Additional Assistant Clerks - Pocket Vetoed By Governor:** This act provides for the creation of



fifteen assistant clerks in the various District Courts. These positions are necessary to handle the ever increasing caseloads in the District Courts.

## EDUCATION

Senate Chairman — Mary L. Fonseca (D-Fall River)

House Chairman — Michael J. Daly (D-Boston)

1971-1972 Workload

1128 Petitions

The Committee on Education is responsible for bills relating to educational matters such as school hours, curriculum, credits, school attendance and school construction. In addition they deal with questions concerning teachers, teacher certification, salaries, school committees and school finances. The following bills were selected by the Committee as representative of the most significant measures considered by the Committee and enacted during the two year session.

The Report of the Subcommittee of the Equal Education Opportunities Committee said: “A recent rating of state equalizing systems by the National Education Finance Project, which measured some aspects of effectiveness, placed Massachusetts in 33rd place, which places it below California which has a higher rating. The action of the 1971 Legislature relative to Chapter 70 has undoubtedly improved the ranking of Massachusetts.”

**Sickle Cell Anemia Testing — Ch. 49 Acts — 1971:** This act requires that all susceptible children be tested for sickle trait or anemia, the so-called Black Cancer, as a prerequisite to school attendance so that the trait can be identified early and also so that education materials related to the disease can be prepared and distributed.

**Bilingual Education — Ch. 1005 Acts — 1971:** This first in the nation law requires that each year the local school committees determine the number of children of limited English speaking ability in its school district. Where there are more than twenty such children of one language group, the school committee is required by law to provide a program of transitional bilingual education (A detailed explanation of this measure is also found in this book). See page 9.

**School Construction Grants — Ch. 1010 Acts — 1971:** This act increased to 65% the state's contribution toward new school construction and financing for areas defined as depressed according to United States employment statistics. The measure also boosted the minimum grant for all construction up to 50%, and added the interest on bonds issued for construction as a reimbursable expenditure. Because of rapidly rising construction costs, many municipalities had foregone new school construction, but this measure will help alleviate this difficulty.

**Private Business Schools — Ch. 1096 Acts — 1971:** This new law imposes tighter controls over private business schools because of increasing problems of deception and fraud. Under the legislation the Department of Education licenses the schools and also examines advertising claims and course offerings. In addition, the State Auditor is entrusted with the power to investigate the financial condition of the schools.

**An Act to Prohibit Discrimination in the Public Schools — Ch. 622 Acts — 1971:** Previously, public schools have been prohibited from denying admission to any child on the basis of race, color or religion. This law now states that a child must not be denied either admission to the school or to

any of its “advantages, privileges, and of courses of study” on these grounds or on the basis of sex or national origin. The parents of a student who is so excluded may demand reasons from the school committee, and if, the reasons are unlawful, may recover from the town in a tort suit.

**Student Advisory Committees — Ch. 95 Acts — 1972:** Under this act a five member student advisory committee elected by high school students is constituted to meet with the school committee every other month to offer their opinions and ideas on problems directly relating to them.

**Vocational Age and Sex Discrimination — Ch. 101 Acts — 1972:** Vocational institutions are prohibited from discriminating on admissions, courses, or in providing benefits, privileges or placement service because of age or sex.

**Corporal Punishment — Ch. 107 Acts — 1972:** An act prohibiting corporal punishment in the public schools and in the county training schools.

**Public High School Curriculum — Ch. 215 Acts — 1972:** By this law, new courses could be added to the curriculum of public high schools provided that the parents of twenty students petition the school committee. Further restrictions are; an enrollment of least twenty, availability of a teacher, and filing of the petition prior to August 1. This will permit a greater flexibility and variety of course offerings to interested students.

**Public School Superintendents — Ch. 464 Acts — 1972:** This law allows school committees to offer one to six year contracts to superintendents in lieu of the regular tenure system, if the superintendent requests. This law also prohibits cutting the superintendent’s salary during his contract. Previously, superintendents had no option but to accept the tenure if rehired after three years of employment.

**P.O.W. — M.I.A. College Scholarships — Ch. 602 Acts — 1972:** This act provides full tuition scholarships at state universities or colleges for the children of Massachusetts servicemen who are prisoners of war or classified as missing in action.

**Bartley — Daly Special Education Act — Ch. 766 Acts — 1972:** The Bartley-Daly Special Education Act would replace categorical labels with the term “children with special needs”, strengthen and regionalize the division of Special Education and create regional and state advisory committees (at least half of whose members will be parents) and provide for a broad range of special educational placements. The bill provides for a flexible and non-discriminatory system for identifying and evaluating the individual needs of children requiring special education; and creates a more equalized state reimbursement formula for special education. Lastly, it creates school departments in the Department of Mental Health and Public Health Institutions for children with special needs. (A detailed explanation of this measure is also found in this book See page .



## ELECTION LAWS

Senate Chairmen — Edward Burke (D-Framingham) (1971)  
Arthur Tobin (D-Quincy) (1972)  
House Chairman — Allan McGuane (D-Greenfield)  
1971 — 1972 Workload  
485 Petitions

The Committee on Election Laws is responsible for legislation concerning all phases of the election process from campaign spending and advertising to procedures for party conventions. In addition, the Committee works closely with the Elections Division of the Secretary of State's Office in regard to primary, and regular election ballots and vote counting procedures. The Committee has selected the following Legislation as representative of the most significant measures heard by the Committee and enacted during the two-year session.

**Extended Time For Voting Lists — Ch. 24 Acts — 1971:** By this act the time limit for the registrars of voters to make the annual lists is extended from January or February to be January, February, March, or April. It also provides for a census to be taken at the same time.

**Recount Petitions — Ch. 178 Acts — 1971:** This act increases the time for filing recount petitions from three to six days following a primary election and from seven to ten days following a regular election.

**Absentee Ballots — Ch. 920 Acts — 1971:** This measure permits the use of absentee ballots at state and presidential primaries and at city and town preliminary elections and primaries. This will permit many shut-in persons to more fully participate in the electoral process.

**Candidates For Public Offices — Ch. 65 Acts — 1971:** This act authorizes a candidate for public office or his representative to check the figures on the back of a voting machine before the polls open to determine that the figures have been properly registered.

**Voting Residency Requirements — Ch. 587 Acts — 1972:** This bill establishes new, shorter residency requirements for voting in the Commonwealth as follows: 31 days for a state election; 29 days for a presidential primary; and 20 days for a local election.

**Single Member Legislative Districts — Ch. 735 Acts — 1972:** This bill initiates the process which will bring about the implementation of single member legislative districts for the 1974 state election as required by the Constitution Amendment accepted by the voters in November 1970.

**Nomination Paper Signatures — Ch. 6, 50, 51 Acts — 1972:** These acts abolish the county distribution rule which restricted candidates for certain offices from collecting more than one-third the necessary signatures for nomination papers from any one county.

**Independent Voters — Ch. 115 Acts — 1972:** This act encourages independent voters to vote in primary elections by providing forms at the polls which, when filled out, return them to their independent status.

**Campaign Expenditures — Ch. 810 Acts — 1972:** This legislation limits the amount of money which candidates for certain offices may expend for television, radio, newspaper, billboard and

postage expenses. There is a fixed limit that a candidate may spend for each specific office and the candidate may be fined up to three times the amount that he spends over his limit.

For example, a candidate for Governor and a candidate for Lieutenant-Governor may spend only \$500,000 dollars in campaign expenditures. A candidate for Attorney General may spend only \$250,000 dollars. Candidates for State Senator may spend only \$10,000 dollars and candidates for Representative may spend only \$3,000 dollars. This law goes into effect January 1, 1974.

## **FEDERAL FINANCIAL ASSISTANCE**

Senate Chairman — James F. Burke (D-Brockton)

House Chairmen — Gerald P. Lombard (D-Fitchburg) (1971)

— Vincent J. Piro (D-Somerville) (1972)

1971-72 Workload

136 Petitions

The Committee on Federal Financial Assistance evaluates measures related to the acquisition of Federal money necessary to conduct various types of state projects such as housing and public health services. The following bills were selected by the committee as representative of the most significant heard by the committee and enacted during the two year session.

**Emergency Employment — Ch. 730 Acts — 1971:** This act authorizes governmental departments to create jobs for emergency employment. This work is to be paid for at least in part by any Federal grants or gifts that the city or town, in which the work is done, may have received.

**Investigation Relative to Federal Funds on Housing — 1972:** This House Order authorizes the Committee on Federal Finance Assistance to sit during the recess of the General Court to make an investigation and study relative to the disposition of federal funds for the progress of housing projects in the city of Boston, public agencies engaged in anti-poverty and employment aid programs, and the effects of federal grants on the Model Cities program.



## **FEDERAL GRANTS TO MASSACHUSETTS**

Total Funding: \$838,684,652\*

Selected areas of direct federal assistance to state programs are as follows:

<b>Children's Nutrition Programs</b>	<b>\$ 14,515,000</b>
<b>Public Health</b>	<b>\$ 33,657,000</b>
<b>Housing and Urban Renewal Programs (including Model Cities)</b>	<b>\$ 92,403,000</b>
<b>Public Welfare</b>	<b>\$395,068,000</b>
<b>Education, including elementary, secondary vocational, higher and special education</b>	<b>\$ 57,629,000</b>
<b>Veterans Aid</b>	<b>\$ 1,847,000</b>
<b>Law Enforcement</b>	<b>\$ 5,119,000</b>
<b>Agricultural Assistance (including subsidies)</b>	<b>\$ 14,744,000</b>
<b>Environmental Protection</b>	<b>\$ 11,733,000</b>
<b>Economic Development (plus \$26 million annually for the federal share of unemployment compensation benefits).</b>	<b>\$ 30,614,000</b>
<b>Transportation Assistance (does not include approxi- mately \$509 million in Federal Highway Fund grants approved but delayed by the Governor's Highway Building moratorium)</b>	<b>\$ 78,833,000</b>

\*Source: *Federal Aid To States*, FY 1971. The U.S. Department of the Treasury. NOTE: In several of the selected areas of assistance above the total shown does not reflect the exact total in that category; all figures are rounded to the nearest \$1,000.

## GOVERNMENT REGULATIONS

Senate Chairmen — James D. Rurak (D.-Haverhill) (1971)  
— Denis L. McKenna (D-Somerville) (1972)  
House Chairmen — William Q. MacLean (D-Fairhaven) (1971)  
— Robert B. Ambler (D-Weymouth) (1972)  
1971-1972 Workload  
606 Petitions

The Committee on Government Regulations is responsible for legislation regulating public utilities, the powers of the Department of Public Utilities, alcoholic beverage licenses, legal gambling (Beano and the Lottery) and affairs relating to the operation of private race tracks and agricultural fairs. The Committee selected the following bills as representative of the most significant heard by the Committee and enacted during the two-year session.

**Alcoholic Beverage Licenses — Ch. 705 Acts — 1971:** This measure revised the procedure by which a restaurant or function room can obtain a liquor license. The question can be placed on the ballot by the Secretary of State, if a petition is signed by at least five percent of the registered voters in the city or town. The only further restriction is that the facility must have a seating capacity of at least one-hundred persons.

**Beano Licensing — Ch. 486 Acts — 1971:** This measure permits any fraternal organization having chapters or branches in at least one other New England State, any religious organization under the control or affiliated with an established church of the Commonwealth, any veterans organization, any non-profit volunteer fire organization, and any non-profit volunteer ambulance service to conduct a beano game. To apply, the organization must make an application to the commissioner to conduct the game in a particular city or town. Part of the license money and fee charges are returned directly to the cities and towns to alleviate some of the property tax load.

**State Lottery — Ch. 813 Acts — 1971:** This legislation sets up a State Lottery under the office of the State Treasurer. All net profits from the lottery are placed a Local Aid Fund and are to be used solely for state assistance to the cities and towns of Massachusetts. It is hoped that initially some \$30 million can be disbursed annually to the local communities. (Funding structure: 45% prizes, 40% local aid, 15% administration, salaries, promotion and advertising.)

**18 Year Old Drinking Age — Ch. 155 Acts — 1972:** This bill lowers the drinking age in Massachusetts from 21 to 18. This law does not go into effect until March 1, 1973. In the meantime, a (non-binding) referendum question will be on the ballot in November to determine public opinion on this matter.

**Lottery Agents — Ch. 280 Acts — 1972:** This act allows fraternal organizations to sell lottery tickets.

**Beano Licenses — Ch. 616 Acts — 1972:** This act expands Beano licenses to include intrastate fraternal organizations, non-profit athletic organizations, retarded children's associations and the Boston Firemen's Relief Fund and also allows Beano to be played on Sundays.

**State Lottery Tickets — Ch. 675 Acts — 1972:** This law allows the sale of lottery tickets on Sundays.



## INSURANCE

Senate Chairman — Daniel J. Foley (D-Worcester)

House Chairman — Edward J. Dever (D-Arlington)

1971-72 Workload

452 Petitions

The Committee on Insurance is responsible for bills concerning all types of insurance, including life insurance, automobile insurance and home-owners insurance. In addition they deal with the problems of the Insurance Commissioner and his power to regulate the activities of the insurance industry. The Committee selected the following bills as representative of the most significant measures considered and enacted by the Committee in the two year session.

**No-Fault Property Damage — Ch. 978 Acts — 1971:** This act provides for compulsory No Fault property protection for all registered motor vehicles to be added to the Bodily Injury Insurance provided for in 1970.

**Unfair Claims Act — Ch. 1077 Acts — 1971:** This law imposes civil and criminal penalties for insurance companies which engage in unfair claim settlement practices. By this act the Insurance Commissioner is given the authority to revoke or suspend the licenses of insurance companies which violate the unfair claim statutes of the General Laws.

**Insurance Rebate — Ch. 977 Acts — 1971:** This bill requires all insurance companies writing auto insurance to file data showing the amount of profit made from all lines of insurance, especially the No-Fault Bodily Injury Plan, plus investment income. The insurance Commissioner is required to hold public hearings relative to the earnings made by the companies. If there is an unfair profit made, then the Commissioner can require the companies to either give a rebate or rate reduction to policy holders. The insurance companies challenged this legislation in the Courts because it was the basis for the Insurance Commissioner's decision to require rebates on 1971 Insurance Rates. The Courts upheld the constitutionality of the law and the decision of the Commissioner, and rebates to motorists in the area of \$30 million are expected.

**Separate Classification of Rates for Property Protection — Ch. 423 Acts — 1972:** This legislation would require the Commissioner of Insurance to establish a separate rate classification for property insurance at least fifteen per cent lower for those cars which meet the specifications of the Department of Transportation Standard #215 for the year 1973. Automobiles that meet this specification must have a bumper system that can absorb a five mile per hour front-end crash and a two and one-half mile per hour rear-end crash without damage. At the present time, the average amount of damage in a five mile per hour front end crash is \$330 — one of the main reasons for spiralling collision and property damage rates.

**Life Insurance for the Mentally Retarded — Ch. 804 Acts — 1972:** This act provides for the issuance of life insurance policies for certain mentally retarded persons. The legislation states that no insurer authorized to issue policies may refuse to issue a life insurance policy on the grounds of mental retardation providing that the child is over three years of age and the amount of the policy is no more than one thousand five hundred dollars.

**Construction of Health-Care Facilities — Ch. 776 Acts — 1972:** This legislation provides that health care facilities must receive a "certificate-of-need" in order to construct additional facilities,

Only after it is shown that there is a need for such new facility can the certificate be issued. The goal of this legislation is to prevent unnecessary and expensive construction or alteration of services which would be passed along to the health service consumer in higher charges.

**Unfair Claim Settlement — Ch. 420 Acts — 1972:** During the 1971 legislative session, one of the most important consumer protection bills enacted was the unfair claim settlement practices law which provided certain strict penalties for insurance companies which failed to pay or delayed in paying claims. This legislation would extend the operation to self-insurers who are presently not covered by the law. It is felt that they should be covered since they are involved in the payment of claims as are insurance companies.

## JUDICIARY

Senate Chairman — William M. Bulger (D-Boston)  
House Chairman — Cornelius F. Kiernan (D-Lowell)  
1971-1972 Workload  
1264 Petitions

The Committee on the Judiciary is responsible for measures dealing with all aspects of the criminal justice system from jury size to judicial salaries and from judicial staffing to additional clerks and court officers. In addition, the Committee hears most of the Constitutional Amendments introduced into the General Court. The Committee selected the following bills as representative of the most significant measures considered by the Committee and enacted during the two-year system.

**Appeal From Determination of Bail — Ch. 473 Acts — 1971:** This law provides for immediate appeal from determination of bail and for personal recognizance in most cases. This measure will insure that many who could not afford bail will not have to remain in jail simply for a lack of money.

**Right To Sue — Ch. 670 Acts — 1971:** This consumer protection legislation gives people the right to sue the manufacturer of goods and hold him strictly responsible for harm caused by his product even though the person did not buy the product directly from the manufacturer.

**Parole Board — Ch. 994 Acts — 1971:** This act sets forth professional standards for membership on the Board which decides whether prisoners are to be released or not. To be appointed to the expanded board now requires at least five years of training and/or experience in parole, probation, corrections, law, law enforcement, psychology or social work.

**Criminal Records — Ch. 686 Acts — 1971:** This bill provides for the sealing of criminal records for those who have had no new criminal record for ten consecutive years.

**Intermediate Appellate Court — Ch. 740 Acts — 1972:** This measure established a new six judge appeals court ranked between the Superior and Supreme Judicial Court. The Appellate Court will relieve the Supreme Judicial Court of its burden of routine appeals and cases of limited importance, thus allowing the state's highest court to concentrate on cases of precedent-setting importance and to exercise its supervisory powers over the entire judicial system. The Massachusetts Supreme Judicial Court is currently one of the busiest state supreme courts in the nation. The workload of the Supreme Judicial Court is increased by the fact that the court lacks the discretionary power to



refuse to hear appeals, hence the docket is overcrowded with cases that could be heard by an intermediate appeals court and that the court, unlike the federal courts and most other state courts, is constitutionally required to render advisory opinions.

**Adoption Procedures — Ch. 800 Acts — 1972:** This legislation attempts to define more precisely the rights and obligations of all parties in the adoptive process. It speeds up the process by eliminating delays and confusion; providing for a uniform surrender form which will be final and irrevocable, to be signed only after the fourth day after the child's birth.

**New Criminal Justice Districts — Ch. 744 Acts — 1972:** This measure separates Bristol County from the Cape and Islands Counties for the purpose of District Court Administration. Because of the new population growth on the Cape, the non-contiguity of the district, and the distinctly more urban character of Bristol County, this separation was deemed necessary. This will promote the more efficient administration of these new, more homogeneous districts, insuring a better judicial system for this region.

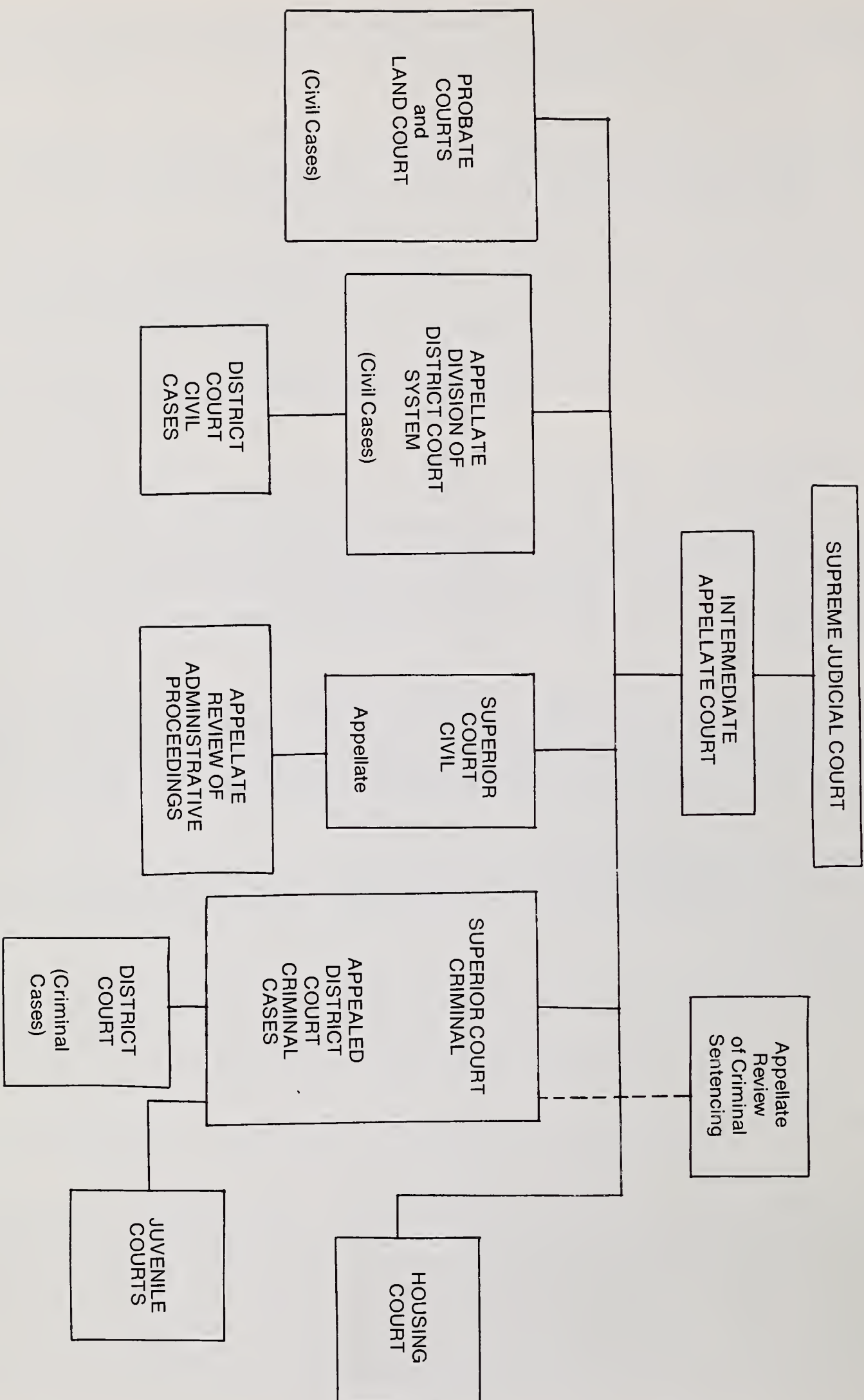
**Bristol County Juvenile Court — Ch. 731 Acts — 1972:** This measure, creating a juvenile court in Bristol County is a continuation of the legislative efforts to establish a system of separate courts for juvenile offenders. It follows by only three years, the addition of juvenile courts in Worcester and Springfield to the already existing Boston Juvenile Court. Establishment of this new juvenile court will make available sensitive intake screening procedures, flexible pre-trial adjustment tools and sensitive investigation machinery capable of arriving at informed dispositions tailored to the needs of the individual juvenile.

**Assumption of Superior Court Costs: Pocket Vetoed By Governor:** The bill, as enacted, provided that the Commonwealth would have directly assumed much of the costs of the Superior Court, including the salaries of all the employees of the court and the total cost of juries. Also, while the counties would have still paid the cost of bonded indebtedness, interest payments, maintenance and utility costs relating to the various superior court houses, they would have been reimbursed for fifty per cent off these costs by the Commonwealth.

An anticipated result of this legislation would have been a decrease in the local property tax, in as much as the monies spent by the counties are raised by the cities and towns. The estimated cost of this bill would have been \$12-18 million.

- Enacted in both branches
- Pocket vetoed by Governor

## MASSACHUSETTS COURT SYSTEM





## LOCAL AFFAIRS

Senate Chairman — Philbert L. Pelligrini (D-Arlington)  
House Chairman — Donald R. Gaudette (D-New Bedford)  
1971-72 Workload  
570 Petitions

The Committee on Local Affairs is responsible for matters concerning the local community such as Charter changes and waiver of certain regulations concerning payments to individuals. The Committee is unique in that it has been experimenting with a new hearing system outlined later. The Committee has selected the following bills as representative of the most important heard by the Committee and enacted during the two-year session.

**Political Subdivision — Ch. 53 Acts — 1971:** By this act, two or more cities, towns, districts, counties or authorities are now considered a political subdivision for the purpose of collective purchases in volume. Formerly, the Commonwealth had to be included in a political subdivision. This measure will allow co-operative action among towns to make bulk purchases, reducing their costs considerably.

**School Budgets — Ch. 136 Acts — 1972:** This law requires school committees in towns to hold public hearings on their school budgets. This allows townspeople to discuss with the School Committee how a major part of their tax budget is being spent.

**Interlocal Power Authority — Pocket Veto by Governor — 1972:** This act allows cities and towns that have electrical departments to form an Interlocal Power Authority to cover all cities and towns within this area. Under the law a Interlocal Power Authority may issue bonds to finance this expansion.

**Veteran's Services — Ch. 471 Acts — 1972:** This chapter provides that certain cities and towns shall join a Veterans' Service District or appoint a full-time Veterans' Agent or Director of Veterans' Services.

The Local Affairs Committee has attempted to reduce the number of bills given a hearing before the Committee, and yet preserve the right of free petition. Due to the special nature of the Local Affairs Committee, it was considered the best Committee to try this pilot project.

The Committee has begun a legislative sifting process whereby most petitions would no longer necessitate a hearing. The categories are as follows:

1. Petitions before the Committee relating to a single city or town, must have had prior approval of the Mayor and Council of a city, and/or the vote of a town meeting before they can properly be before the Legislature for consideration. Petitions not having the Home Rule approval will be automatically referred to the Committee on Joint Rules.

2. The second category that will be considered for waived hearing will be those petitions that had been before the Committee in the previous session and had been given a favorable recommendation but did not pass.

3. The third category the Committee will consider will be those petitions that had also been before the Committee in the previous session but had been given an unfavorable report.

4. The fourth category are petitions that have Home Rule approval by the governing body of a city or town but are of such a routine nature that a letter of explanation by the community would be sufficient for a favorable recommendation by the Committee. The Committee and its staff could request such additional information as deemed necessary.

5. The fifth category would be matters upon which initial consideration and discussion by the

Committee members and staff, produced the overwhelming consensus that a hearing would serve no valid purpose, and that a judgment by the majority for either a favorable or unfavorable report is indicated.

6. The sixth and final category would be those petitions that should be given a full public and unlimited hearing. These would include such matters as major proposals for changes or laws; highly controversial or contested matters and matters on which a clear consensus of Committee members and staff is not indicated.

Any citizen within 10 days of the Committee's decision may present to the Committee a petition or letter stating a reason against the decision and requesting a public hearing.

## **NATURAL RESOURCES & AGRICULTURE**

Senate Chairmen — Philip A. Quinn (D-Spencer) (1971)

Roger L. Bernashe (D-Chicopee) (1972)

House Chairman — Steve T. Chmura (D-Ludlow)

1971-72 Workload

831 Petitions

The Committee on Natural Resources & Agriculture is responsible for legislation related to the environment, mineral resource usage, tidelands and marine affairs, agricultural affairs, air & water pollution control and the parks and recreational activities of state departments. Most of the important environmental legislation of the last four years has been deliberated by this Committee. The Committee has selected the following as representative of the most significant heard by the Committee and enacted during the two year session.

**Citizens Right to Sue Polluters — Ch. 732 Acts — 1971:** This innovative statute — one of the first of its kind in the nation — allows citizens of the Commonwealth the right to seek redress for environmental grievances through the court system. In addition to providing another legal tool to minimize pollution, this act is designed to overcome bureaucratic barriers to environmental protection.

**Scenic and Recreational Rivers Act — Ch. 840 Acts — 1971:** This act provides for state classification and protection of waterways significant in their scenic, recreational or wilderness attributes. Likewise, the State Department of Natural Resources is empowered to restrict incompatible use of land adjoining such water bodies.

**Wetland Acquisition Act — Ch. 740 Acts — 1971:** This act provided a five million dollar bond issue to be administered by the Division of Fish and Game for immediate acquisition and protection of ecologically significant wetland areas in the Commonwealth.

**Endangered Species Act — Ch. 876 Acts — 1971:** This innovative statute prohibits the sale of the skins of certain endangered fur-bearing animal species such as the leopard, cheetah and tiger and certain species of the order Crocodylia. Again, with passage of this law, the General Court became one of the first state legislatures to address this international environmental threat.

**South Cape Beach Acquisition Act — Ch. 1058 Acts — 1971:** By this act, the General Court authorized the Department of Natural Resources to acquire South Cape Beach, one of the few remaining large warm-water beaches suitable for public use and enjoyment on Cape Cod.



**Increased Recreational Facility Bond Issue — Ch. 958 Acts — 1971:** This bond issue provided an additional five million dollars to the Department of Natural Resources for the construction and development of various recreational facilities throughout the Commonwealth.

**Motor Vehicle Air Pollution Act — Ch. 1032 Acts — 1971:** This act provides for the inclusion of emissions of air pollutants in the periodic motor vehicle inspections conducted by the Registry of Motor Vehicles. Compliance with State and Federal regulations regarding motor vehicle air pollution is mandated by this statute.

**Conservation Commissions — Ch. 893 Acts — 1971:** The powers and authority of local conservation commissions and the scope of plans to be drawn by such bodies are extended by this act.

**Environmental Policy Act — Ch. 781 Acts — 1972:** This major environmental advance establishes a powerful Division of Environmental Protection within the office of the Attorney General. Likewise, all state agencies are mandated to formulate reports detailing the environmental effects of all major proposals prior to construction. Taken in concert with other recent environmental statutes crafted by the General Court, this act provides a substantial basis for environmental protection and insures against bureaucratic insensitivity.

**Inland Wetlands Act — Ch. 782 Acts — 1972:** This major revision expands the scope of the present inland wetlands programs, delegates greater authority for inland wetland protection to the Department of Natural Resources and provides for definitive procedures for the settlement of objections to orders promulgated under this act. Notably, the Department of Natural Resources is mandated to map wetland areas and protect flood plain areas.

**Wetlands Protection Act — Ch. 784 Acts — 1972:** A major revision of existing coastal and inland wetland protection statutes, this act expands the scope of such statutes and provides for the filing of *environmental impact reports* with notification of intention to effect some change on a wetland area. A greater degree of local community participation in the approval process and heightened local Conservation Commission activity are among the salient features of this legislation.

**Environmental Capital Outlay Bond Issue — Ch. 803 Acts — 1972:** Continuing the legislative fiscal commitment to environmental betterment, this act provides over 117 million dollars to be shared among three state agencies for diverse environmental projects including acquisition of South Cape Beach, expansion of the Franklin Park Zoo, improved recreational facilities for the Metropolitan area.

**Agricultural Intern Scholarship Program — Ch. 913 Acts — 1972:** This act provides college scholarships for students seeking degrees in the field of animal health. All scholarship recipients must render three years of service to the Commonwealth after graduation.

**North Shore Ocean Sanctuary Act — Ch. 130 Acts — 1972:** Continuing the legislative policy of protecting marine areas from exploitation and environmental despoilation (Chapters 542, 1970, and 742, 1971), this act creates an ocean sanctuary under the supervision of the Department of Natural Resources on the North Shore of the Commonwealth.

**Heated Effluent and Injurious Substances Act — Ch. 789 Acts — 1972:** This act expands the scope of existing prohibitions relating to the discharge of pollutants into the waters of the

Commonwealth (includes thermal discharges); increases the penalties for such acts, and revamps related procedural provisions to insure liability for such violations.

**Birds of Prey Protection Act — Ch. 445 Acts — 1972:** This act establishes a licensure procedure for either hunting or possessing certain birds of prey such as the eagle, osprey, hawk, kite or falcon. The destruction of the nests of such birds is prohibited. Violation of this statute can incur a fine, imprisonment or both.

**Endangered Species Act of 1972 — Ch. 127 Acts — 1972:** This act expands the innovative 1971 Endangered Species Act, (Chapter 876), to include the grey wolf, giant otter and all South American otters.

**Citizens Suit Expansion Act — Ch. 219 Acts — 1972:** The acclaimed Citizens Private Right of Action law (Chapter 732, 1971), is expanded by this act to expressly include governmental entities among those potential polluters liable for citizens suits.

## ENVIRONMENTAL SUPPLEMENT

The environmental endeavors of the General Court during the 1971-1972 session were constant and substantial. Continuing a long tradition of environmental concern and action, the efforts of your legislature garnered praise from professional ecologists, concerned citizen groups and various governmental agencies. For example, United States Senator Gaylord Nelson remarked that he “was gratified to see a state legislature so environmentally concerned.”

Among some of the significant environmental advances during the 1971-1972 session were:

- increased penalties for refuse disposal on inland or tidal waters (Chap. 135, 1970)
- extended flood plain zoning and inland wetland protection (Chap. 1020, 1970)
- certification of drinking water facility operators (Chap. 942, 1970)
- major capital outlay of \$117 million substantially for water pollution abatement (Chap. 803, 1972)
- strengthened procedures and penalties regarding thermal discharges and other pollutants (Chap. 789, 1972)
- major revision of present inland wetland protection statutes (Chap. 782, 1972)
- \$7 million dollars for restoration of the Charles River (Chap. 584, 1972)
- protection of the Quabbin Reservoir area (Chap. 737, 1972)
- major wetlands laws strengthening and revision (Chap. 784, 1972)
- Boston waterfront tideland protection (Chap. 310, 1972)
- authorization of comprehensive river basin and water quality management plans (Chap. 678, 1972)

### Air Pollution:

- motor vehicle emission inspections and enforcement (Chap. 1032, 1971)
- prohibition of excess fuel discharge by aircraft (Chap. 1013, 1971)
- clarification of air pollution inspection procedures (Chap. 800, 1971)
- increased powers for the Department Public Health to issue cease orders to polluters (Chap. 806, 1971)



- statutory requirement that air contamination sources be registered (Chap. 797, 1972)
- prohibition on off-shore burning (Chap. 304, 1971)
- clarification of cease-to-pollute order procedures (Chap. 359, 1972)
- prohibition of unnecessary emissions by motor vehicles (Chap. 598, 1972)
- provision of tax incentives for industrial efforts to abate air pollution (Chap. 707, 1972)

#### Recreation — Conservation:

- establishment of state wild and scenic rivers program (Chap. 840, 1971)
- acquisition of South Cape Beach, Cape Cod for public enjoyment (Chap. 1058, 1971)
- increase and expansion of local conservation commission powers (Chap. 893, 1971)
- initiation of park and recreation land replacement program (Chap. 633, 1971)
- additional 5 million dollars for Department of Natural Resources recreation programs (Chap. 839, 1971)
- 5 million dollars for immediate preservation of wetlands (Chap. 740, 1971)
- changes in landowner liability to facilitate public use of private lands (Chap. 575, 1972)
- expanded protection and acquisition of historic and antiquarian sites (Chap. 29, 1972)
- assessment of conservation lands according to use (Chap. 719, 1972)
- increased recreational facilities contained within \$117 million environmental capital outlay (Chap. 803, 1972)

#### Marine Affairs:

- definition of Commonwealth's marine boundary with Rhode Island (Chap. 1035, 1971)
- extension of Commonwealth's marine territorial jurisdiction (Chap. 1104, 1971)
- protection of off-shore mineral resources (Chap. 567, 1971)
- establishment of Cape Cod Bay and Cape and Islands Ocean Sanctuaries (Chap. 742, 1971)
- establishment of North Shore Ocean Sanctuary (Chap. 130, 1972)
- increased littering penalties (Chap. 191, 1972)

#### Other Environmental Advances:

- final legislative approval of Environmental Bill of Rights Amendment to State Constitution
- Citizens Right to Sue Polluters statute (Chap. 732, 1971)
- expansion of scope of Citizens Suit Law (Chap. 219, 1972)
- establishment of state Environmental Policy Act (Chap. 781, 1972)
- prohibition of sale of skins of certain endangered species (Chap. 876, 1971)
- expansion of scope of Endangered Species Act (Chap. 127, 1972)
- protection of various birds of prey (Chap. 445, 1972)
- increased enforcement of pesticide laws (608, 1972)
- uniform regulation of commercial feed (Chap. 365, 1972)
- prohibition of importing waste materials (Chap. 474, 1971)
- establishment of agricultural scholarship program (Chap. 91, 1972)
- licensure of pet shops (Chap. 993, 1971)
- establishment of Special House Committee on Population (H. 5519, Order)
- expanded definition of solid waste disposal facility to include recycling (Chap. 884, 1971)
- legislative mandate that the Governor annually issue a proclamation on 4th Monday in April for observance of Earth Day.

Both Secretary of Environmental Affairs Charles H.W. Foster and Commissioner of Natural Resources Arthur Brownell were most affirmative in their analysis of the environmental endeavors of the General Court during the 1971-1972 session.

Secretary Foster commented:

“My estimation of the 1972 session of the General Court relating to environmental affairs cannot be too complimentary. Massachusetts has supplied strong national leadership in this field over the years, and the most recent session certainly represented a continuation of this fine tradition. Among the highlights, I would single out the following for special mention.

Two particularly pioneering measures were enacted into law. The *Environmental Policy Act* (Chapter 781) establishes a process of environmental impact assessment for major projects undertaken by state and certain municipal agencies. As of July 1, 1973 agencies must demonstrate that all practical means will be taken to minimize damage to the environment. Massachusetts is one of less than a half-dozen states in the country to have adopted such an act. Its legislation profits from and improves upon the national Environmental Policy Act and, therefore, represents the most modern approach to environmental impact analysis anywhere in the United States at the present time.

The *Environmental Capital Outlay Act* (Chapter 803) combined for the first time the capital investment needs of three environmental agencies into a consolidated, coordinated program state-wide in scope. Some \$119 million in pollution control, recreation development, water resources, and fish and game improvements were authorized, including a major environmental program for the metropolitan Boston region. . . .”

(Numerous other legislative acts cited)

“. . . . In summary, the above represents a record that any state could regard as real accomplishment.”

Commissioner Brownell added:

“. . . The Department feels that substantial gains have been made in the environmental field with the passage of such major legislation as CH-784 (Combined Jones-Hatch Act), CH-782 (Inland Wetlands Act), CH-803 (\$121,000,000 Environmental Capital Outlay Bond Issue) and CH-584 (Charles River Bond Issue). Other significant legislation passed by the General Court includes CH-789 (Liability for fishkills due to heated effluent), CH-719 (Mandatory reassessment of land under a conservation restriction), and CH-575 (Limiting land owners liability to public recreational users).”



## PUBLIC SAFETY

Senate Chairman — Stanley J. Zarod (D-Indian Orchard)

House Chairman — Ralph E. Sirianni (D-Winthrop)

1971-1972 Workload

621 Petitions

The Committee on Public Safety is responsible for legislation relating to motor vehicle registration, control and safety, the safety problems of recreational vehicles, gun and firearms control, and the overview of the operation of the Registry of Motor Vehicles and the Division of Marine and Recreational Vehicles. The Committee selected the following as representative of the most important considered by the Committee and enacted during the two year session.

**Firearm Identification Cards — Ch. 225 Acts — 1971:** The licensing authorities of firearm identification cards, by this legislation, may make inquiries to the Department of Mental Health for information regarding past hospitalization for mental disorder. Also the Commissioner of Public Safety can notify the licensing authority of an applicant's criminal record.

**Firearms — Ch. 456 Acts — 1971:** Under this law, the penalty for selling, renting, or leasing a firearm without a license shall be one hundred dollars for the first offense. For any subsequent offenses, the penalty shall be imprisonment for at least six months, but not more than two years.

**Certificate of Title — Ch. 754 Acts — 1971:** This act requires that the owner of every vehicle registered in the Commonwealth have a certificate of title. The Registrar will not renew the registration of a vehicle unless the owner has a certificate of title or has applied for one. Upon receipt of an application, the Registrar will check the identifying number of the vehicle against the record of stolen vehicles before issuing a certificate of title. This program will begin in the fall of 1973 and is aimed at reducing auto thefts.

**Habitual Offenders — Ch. 1033 Acts — 1971:** By this act, anyone who is convicted of three or more serious traffic violations, such as driving under the influence of liquor or drugs, or operating a vehicle after the revocation of his license, etc., or anyone who has committed twelve lesser traffic violations shall be designated a habitual offender, and shall have his license revoked for a period of up to four years. Use of this innovative law will insure that the incompetent driver is removed from the road.

**Blood Alcohol Level — Ch. 488 Acts — 1972:** This act reduces from 0.15 to 0.10 the level of alcohol in the blood at which point a person is presumed to be driving under the influence of liquor. Tests have shown that the 0.10 level is more realistically the level at which impairment of a driver's ability occurs. This measure will help to remove the drunk driver from the roadways of the Commonwealth.

**Mutual Aid Programs — Ch. 220 Acts — 1972:** This legislation allows cities and towns to enter into agreements with other cities and towns to provide mutual aid programs for police departments. Through these programs all the communities involved should benefit by improved police service.

**Nuclear Power Plants — Ch. 295 Acts — 1972:** This act requires that all nuclear power plants be operated by an adequate number of properly trained personnel. The measure requires that certain personnel must be stationed in a nuclear facility 24 hours a day.

**Gas Storage — H-4898 — Vetoed by Governor — 1972:** This legislation was an important home rule bill. Under it, cities and towns would have had the final decision on whether or not to allow a liquified natural gas storage facility to be constructed within 5,000 feet of any church, school, or playground. This measure would have more adequately protected children and others from the potential hazard of a gas explosion.

## **PUBLIC SERVICE**

Senate Chairmen — Samuel Harmon (D-Boston) (1971)

Joseph Walsh (D-Boston) (1972)

House Chairman — John Buckley (D-Abington)

1971-72 Workload

1961 Petitions

The Committee on Public Service is responsible for matters relating to Civil Service, survivorship, pension and retirement systems for public employees, police & firefighters affairs, local municipal employees, and questions relating to non-Civil Service state employees. The Committee has selected the following measures as representative of the most significant matters considered by the Committee and enacted during the two-year session.

**Legislative Compensation Board — Ch. 1 Acts — 1971:** This act establishes a seven member advisory board appointed by the Governor to study the adequacy of salaries and expenses of members of the General Court. The board is to report its recommendations on or before the first Wednesday in November in each odd-numbered year. The first recommendations of the board were, for the most part, incorporated into law in 1972.

**Rehabilitation Programs — Ch. 289 Acts — 1971:** This act provides that the director of Civil Service develop programs for the rehabilitation and employment of certain persons who have been convicted of violating state laws. This will help many who, although they once served time in prison, now wish to seek gainful state employment.

**Cost of Living — Ch. 66 Acts — 1971:** By this act the Director of Personnel and Standardization is authorized to annually determine the increase or decrease in the cost of living. When the increase or decrease is at least three percent, the Director's report is to be accompanied by a recommendation for a corresponding increase or decrease in the salaries of all employees of the Commonwealth.

**Cost of Living — Ch. 1011 Acts — 1971:** Under this act, persons retired from public service are entitled to cost of living increments for the first \$6,000 of their pension. Formerly, anyone with a pension in excess of \$6,000 was not eligible for any cost of living adjustments.

**Emergency Employment — Ch. 731 Acts — 1971:** Under this legislation, people on the Civil Service lists who normally would not be appointed, because of their low placement on the list, may now be appointed to temporary positions created under the Federal Emergency Employment Act of 1971.

**Survivors' Benefits — Ch. 793 Acts — 1972:** This act provides for major revisions in survivors benefits, among them, making widowers eligible for the same benefits as widows, increasing the surviving spouse's payment from \$100 a month to \$140 a month, and increasing the children's benefits from \$50 and \$35 a month to \$80 and \$60 a month.



**Legislative Pay Raise — Chs. 148, 674, 679 Acts — 1972:** These acts increase the salaries of members of the General Court, floor leaders, committee chairman, and the Speaker of the House and the President of the Senate. Under these acts, the Speaker and the President receive two and three quarters of the salary of the members, while the floor leaders receive  $1\frac{3}{4}$  and the committee chairmen receive  $1\frac{1}{3}$ . Base salary, 1973, \$12,023.

**Cost of Living — Ch. 300 Acts — 1972:** This act, filed by the Governor according to Ch. 66 of the Acts of 1971, provides for cost of living raises for employees of the Commonwealth due to be paid on September 1, 1972 retroactive for the period of January 1, 1972 through June 30, 1972. Although this measure was filed by the Governor, he later vetoed the bill. However the Legislature over-rode the veto by an almost unanimous bipartisan vote.

## **SOCIAL WELFARE**

Senate Chairman — Jack H. Backman (D-Brookline) '  
House Chairmen — John J. Desmond (1971) (D-Lowell)  
Michael F. Flaherty (1972) (D-Boston)

1971-72 workload  
1438 Petitions

The Social Welfare Committee is responsible for legislation concerning a wide variety of social service programs such as aid to dependent children, medicaid, medicare, public health programs, and medical and paramedical services. In addition, the committee oversees problems relating to the Department of Mental Health, Department of Corrections and the Parole Board. The committee selected the following bills as representative of the most important considered by the committee and enacted during the two-year session.

**Prison Parole — Ch. 464 Acts — 1971:** This legislation makes it possible for a prisoner to become eligible for parole with the approval of a majority vote of the full parole board. The most significant aspect of this act is that previously a unanimous vote of the parole board was necessary.

**Elderly Housing — Ch. 1114 Acts — 1971:** This legislation raises to \$410 million the maximum bond issue of the Commonwealth to pay housing authorities for low-income family housing and housing for the elderly.

**Lead Paint Poisoning — Ch. 1081 Acts — 1971:** Under this act, the Department of Public Health shall establish a statewide program for the prevention, diagnosis and treatment of lead paint poisoning, including the elimination of sources of such poisoning. The Advisory Board is charged with creating educational programs to inform the public of the dangers of lead paint poisoning and to examine children under the age of six for the presence of such poisoning.

**Poison Information Center — Ch. 752 Acts — 1971:** This act establishes a poison information and control center in the Department of Public Health. The purpose of this information center is to provide professional help and information throughout the Commonwealth. Poisons kill and injure many children in Massachusetts; unfortunately, often because of the public ignorance as to what is poisonous and what is not. This information center will clarify whatever questions people have regarding poisonous substances.

**Alcoholism — Ch. 1076 Acts — 1971:** By the passage of this national model law, alcoholism and

public drunkenness are no longer considered crimes; rather, they are now considered illnesses. To combat these illnesses, this law establishes a comprehensive program for the detoxification treatment and rehabilitation of alcoholics. It also establishes a Division of Alcoholism within the Department of Public Health and an Advisory Council on Alcoholism.

**Prison Reform — Ch. 777 Acts — 1972:** This measure, filed by the Task Force of the Joint Correctional Planning Commission, seeks to help Massachusetts correctional agencies protect citizens from crime more effectively. The bill changes corrections laws in five areas: administration, community services, employment programs, security and state-county relations. Its central purpose is to improve the custody and rehabilitation of offenders and to prepare them more effectively for their reintegration into the community. (See Page 13).

**Hazardous Toys and Household Products — Ch. 506 Acts — 1972:** This law revises the state's hazardous substance laws to include toys and household products which are potentially harmful to children. It gives the Commissioner the authority for enforcement and action necessary to adequately protect the public from potential dangers, including a provision whereby a manufacturer must repurchase dangerous toys from retail stores. It also provides for proper consumer warnings on labels and packaging when applicable.

**The Office For Children — Ch. 785 Acts — 1972:** The law creates the Office for Children within the Executive Office of Human Services. The Office is mandated to promulgate licensing regulations for day care and family care centers, evaluate all children's service in the state, evaluate all budget requests for children's services made by state agencies and prepare an annual report on the state of services to children in the Commonwealth. The Office is required to promote the development of programs and services to children, to facilitate the creation of local consumer, parent and professional advisory councils, and to seek and encourage the use of federal funds for children's services. The Office will also provide for training programs for day care providers, family day care providers and family foster care providers.

This legislation was developed in close cooperation with the Joint Committee on Social Welfare, The Children's Lobby, Community Co-ordinated Child Care and many children's services and day care organizations, the Secretary and staff of Human Services, the Governor's Office, the Office of the Senate President and the Office of the Speaker of the House.

## STATE ADMINISTRATION

Senate Chairman — George G. Mendonca (D-New Bedford)

House Chairman — John J. McGlynn (D-Medford)

1971-72 Workload

504 Petitions

The Committee on State Administration is responsible for legislation regarding the operation of the state governmental construction such as bidding laws to control purchases, the operation of the various board of registration, and programs to promote the more efficient and economical operation of the State Government. The Committee has selected the following bills as representative of the most significant presented to the Committee and enacted during the two year session.

**State Boards of Registration — Ch. 1099 Acts — 1971:** This legislation provides that a member of the public must serve on nineteen of the twenty-one State Boards of registration, thus, the



consumer is provided a voice in formulating standards and policies for such vital consumer interest areas as engineering and medicine.

**Physically Handicapped — Ch. 584 Acts — 1971:** This act guarantees that physically handicapped persons will not be barred from state buildings and facilities because of architectural barriers. The program is significant in that it is designed to help those handicapped persons who desire to live an independent, normal, productive life, but who need a barrier-free environment to do so.

**Depressed Areas — Ch. 966 Acts — 1971:** This bill requires the State Purchasing Agent to buy goods first from depressed areas of Massachusetts. The intent of this legislation is to help ease the unemployment problems in these communities.

**Federal Debt — Ch. 1044 Acts — 1971:** This bill allows the state to collect two million dollars in back rent owed to it by the Federal Government. As a result of this legislation the Federal Government will now pay the entire cost of constructing the Charles F. Hurley Building in Government Center.

**New City — Ch. 41 Resolves — 1971:** This resolve creates a commission to investigate the possibility of building a new city in Massachusetts. Such a project would not only ease the current housing shortage, but would provide jobs for thousands of Massachusetts citizens who are currently unemployed.

**Lobbying Control Act — 1972:** This bill requires lobbyists to make full disclosures of all funds expended in promoting legislation. The bill also prohibits lobbyists from contributing in any way to political campaigns. (Engrossed in the House).

**Truth in Politics Act — 1972:** This bill requires the recording of all purchases of testimonial tickets to political affairs as well as full disclosure of all campaign contributions and expenses. This allows the public an opportunity to see who gave financial support to all candidates for public office. (Engrossed in the House).

**Powers for Mass Historical Commission — Ch. 29 Acts — 1972:** This act safeguards Massachusetts' position as the cradle of liberty by allowing the Commonwealth or a municipality to take by eminent domain property certified by the Massachusetts Historical Commission as an ancient or historical landmark. Prior to the effective date of this act there was nothing to prevent private owners from destroying historical property at their own whim. Through this act, however, such property now can be preserved for future generations to learn from and to admire.

**Job Guarantees for Garment Workers — Ch. 248 Acts — 1972:** This act was designed to guarantee more jobs under better working conditions for Massachusetts' garment workers. As a result of the act, the Commonwealth can purchase clothing or apparel only from manufacturers who pay the prevailing rate of wages established by collective bargaining agreements. The law reflects a longstanding legislative policy to improve the quality of life for the Massachusetts working people, guaranteeing them a decent living wage.

**License and Filing Fee Increase — Ch. 684 Acts — 1972:** The Commonwealth should realize \$9 million in new revenue as a result of this act. By selectively increasing certain license and filing fees, which had not been re-evaluated in decades, the Committee increased revenue, while at the same time minimizing the impact of such an increase upon the service user.

**Contractor Payment System — Ch. 774 Acts — 1972:** By creating an entirely new and original method of direct payment to contractors doing business with the Commonwealth, this act will provide added security for the thousands employed by the construction industry. As contractors become more confident of their financial footing, job opportunities should stabilize and expand, benefiting both the laborer and the state's economy.

## **TAXATION**

Senate Chairman — Robert L. Cawley (D-Boston)  
House Chairman — James A. O'Brien (D-Fall River)  
1971-1972 workload  
900 Petitions

The Joint Committee on Taxation is responsible for legislation concerning every area of taxation — real property taxes; motor vehicle excise; income tax; sales and use taxes; excises on alcoholic beverages, cigarettes, motor fuels, meals, and room occupancy; corporation taxes; bank taxes; public utility taxes; insurance taxes; racing taxes; and inheritance taxes. A vast majority of these bills would have granted an exemption to certain persons or organizations under one tax or another or would have allowed additional deductions or credits. In addition, many of the bills deal with technical changes in the current tax laws to facilitate administration and clarify interpretations. And, finally, several bills would have changed the existing formulas for the distribution of state aid or the assessment of county taxes. The Committee selected the following measures as the most significant considered by their Committee and enacted during the two year session.

### **Income Tax — Ch. 555 Acts — 1971:**

- (a) Rewrote the major changes in the income tax law enacted in the 1971 session in order to clarify meaning and to correct some inequities.
  - (b) Increased exemption for the working spouse.
  - (c) Allowed deduction for certain contributions by non-profit organizations for an employee's annuity.
- Estimated yield: \$200 million.

**Income Tax — Ch. 453 Acts — 1972:** This bill prohibited disclosure by accountants and those others who assisted the taxpayer in preparing income tax returns.

**Property Taxes — Ch. 144 Acts — 1972:** This bill granted an exemption for household furniture and fixtures in a residence. Prior to this year, up to \$5,000 was exempt. This will would exempt all such furniture or fixtures in the residence of the taxpayer, but not in a second or summer home.

**Corporation Taxes — Ch. 746 Acts — 1972:** Increased the investment credit from 1% of the value of new plants and equipment to 3% in order to encourage the establishment of new plants and the expansion of others to provide additional jobs.

**Air Pollution Control — Ch. 707 Acts — 1972:** This bill provided for special deductions and exemptions for air pollution control equipment similar to the deduction and exemption presently allowed for water pollution control facilities.

**Racing Taxes — Ch. 208 Acts — 1972:** This bill increased the amount of taxes deducted from the total money wagered at races.



## TRANSPORTATION

Senate Chairmen — George D. Kenneally (D-Boston) (1971)  
Edward L. Burke (D-Framingham) (1972)  
House Chairman — Raymond F. Rourke (D-Lowell)  
1971-72 Workload  
658 Petitions

The Committee on Transportation is responsible for bills concerning all facets of the transportation industry from airports to automobiles and from mass transit to bus service. In addition, the committee has within its purview the operation of both the Port Authority and the Turnpike Authority. The Committee has selected the following bills as representative of the most significant heard by the committee and enacted during the two-year session.

**MBTA Bond Authorization — Ch. 1075 Acts — 1971:** This measure gives the MBTA the authority to raise \$124 million in bonds for use in their expansion and line improvement program. The “T” is developing plans not only to modernize existing train & trolley systems but to expand service to the North and South Shore as well as extending the Harvard Line to Fresh Pond. This new influx of money is significant because it makes the transit system eligible for \$248 million in Federal Transit Funds.

**Commuter Rail Subsidy — Ch. 593 Acts — 1971:** This bill permits the railroads running commuter lines into Boston to continue operation through a \$5,430,500 million subsidy fund. Without this money to cover the deficits incurred railroads would have ceased operations, forcing tens of thousands more persons to use the already over-burdened highway system.

**Accelerated Highway Construction Bond Issue — Ch. 765 Acts — 1972:** This act allots approximately \$509 million dollars to be spent over the next three years for accelerated road construction programs throughout the Commonwealth. These funds are to be used to help pay the State’s share of the cost of the construction of new roads and also for the cost of improving existing road systems. The act also gives authorization to perform the preliminary engineering necessary for the completion of interstate I-95.

**Commuter Rail Subsidy — Ch. 681 Acts — 1972:** This law continues the State’s annual subsidization of commuter rail service. The Penn Central and the B&M railroad corporations cannot afford to provide commuter rail service to the Commonwealth; consequently, the State has been moving towards a gradual takeover of this area. Currently, the State pays for 90% of the net cost of service and the present act increases this figure to a full 100% annual subsidization.

**M.B.T.A. Advisory Committee Veto Override — Ch. 646 Acts — 1972:** This emergency measure filed by the Governor, was enacted in the closing days of prorogation in order to avoid the possible shut-down of service to most areas. The legislation authorizes the Board of Directors of the M.B.T.A. by a 4/5’s vote to restore to the budget any itemized reductions which the Advisory Board may make in any budget or supplementary budget submitted to it through the end of 1973. This allows the M.B.T.A. to continue service through the end of this year, and also allows time to study ways of solving the deficit problem.

**Distribution of Gas Tax Funds H. 5000:** This initiative petition amendment was passed for the first legislative session, and must be approved during the next General Court before it appears on the

ballot in 1974. Its purpose is to allow for the use of gas tax funds for mass transit purposes in 1975. Presently, all revenue from the gas tax can be used for highway purposes only.

## URBAN AFFAIRS

Senate Chairmen — Denis L. McKenna (D-Somerville) (1971)

James J. Carrigan (D-Lynn) (1972)

House Chairman — Joseph E. Brett (D-Quincy)

1971-1972 Workload

696 Petitions

The Committee on Urban Affairs is responsible for legislation concerning public housing construction and maintenance, the M.D.C. and M.D.C. parks and recreation facilities, and the construction codes such as the building and sanitation codes. The Committee has selected the following bills as representative of the most significant considered by the Committee and enacted during the two-year session.

**Increased Bonds for Housing — Ch. 971 Acts — 1971:** This chapter raises the amount of notes and bonds which the Massachusetts Housing Finance Agency may spend at any one time from five-hundred million dollars to one billion dollars. The only prerequisite for this new bond issue is that the town or city in which the building is to be constructed have an unemployment rate of at least six percent. The construction of these new buildings is to be done by non-profit and limited-profit developers across the state, resulting in more and better housing for the least possible amount of state money. This act is especially valuable to the elderly and families with low and moderate incomes.

**Elderly Housing — Ch. 1114 Acts — 1971:** This law provides that no housing project may make a profit and the housing project must provide safe and sanitary dwellings to the elderly at the least possible cost. The law also states that no person living in a housing project shall pay more than twenty-five percent of his or her salary for rent, if utilities are included, and no more than twenty percent of the salary if utilities are not included in the rent. The most important aspect of this law is that the Commonwealth of Massachusetts now guarantees four hundred and ten million dollars for the construction of housing projects for the elderly, a new high from the former one-hundred-fifty million dollars.

**Statewide Building Code — Ch. 802 Acts — 1972:** This act establishes an eleven member statewide building commission which would set up and administer rules for the construction of all buildings in the state. The purpose of the building code would be to insure that all new buildings constructed in the state meet safety requirements and specifications set up by the state building commission. The code has the dual purpose of controlling the possibility of poorly constructed buildings, increasing the use of lower-cost building methods and also of accelerating the demolition of substandard housing, thus guaranteeing a safer living environment. The commission to be named within ninety days, will hold public hearings in each county of the Commonwealth and will draft a statewide uniform performance building code by mid-1974. The Code will become effective January 1, 1975, at which time all local codes will cease to be effective.

**Anti-Snob Zoning — Ch. 345 Acts — 1972:** This act clarifies the existing Anti-Snob Zoning Act (Ch. 774 Acts 1969). It further regulates the size of the maximum allowable unit and the size of the building developments that are allowed to be constructed in any one city or town. What the anti-



snob zoning act does, basically, is to prohibit cities and towns from refusing to allow reasonable amounts of low-income housing to be constructed in their city or town. This new bill speeds up the process of financing low-income housing, increases the available money for the construction of elderly housing and the legal right for the housing authorities to take abandoned or tax title property by cities or towns. The main purpose of this new bill is to eliminate all the legal questions that arose from the original law regarding low-income housing.

**Tenants Right to Repair — Ch. 799 Acts — 1972:** This bill allows tenants to apply as much as two month's rent to repair anything that is a direct violation of the building code. These violations would include anything that is seen as affecting the health and safety of the building's occupants. Formerly, the tenant's hands were tied and all he or she could do was to make a complaint about the landlord and building. This new bill would eliminate all red tape and allow the tenant to exercise some control over living conditions. The code violation must be certified as dangerous by the local code inspection agency and the landlord must be given written notice and time to make the repair before the tenant can make the repair himself.

**Prohibiting Retaliatory Actions Against Tenants Who Report Suspected Sanitary Code Violations — Ch. 99 Acts — 1972:** Persons or agents who threaten or take reprisals against tenants for reporting violations or suspected violations of health or building code, or for organizing or joining a tenant's union or similar organization shall be liable for damages of not less than one month's rent or more than three months' rent or the actual damages sustained by the tenant, whichever is greater, plus the cost of the suit including attorney's fee.

Any notice of termination of tenancy other than for non-payment of rent, any increase in rent or substantial alteration in the terms of the tenancy, received within six months after the tenant has reported a code violation, or suspected violation, or has organized, or joined, a tenant's union shall create a rebuttable presumption that the notice is a reprisal. It shall be a defense to an action for summary process that such action was reprisal for the act of the tenant.

## THE GUBERNATORIAL VETO

Under the Constitution, the Governor is allowed 10 days for action on any measure set before him. Within those ten days, he may sign it, veto it or send it back with his recommendations for changes. If he holds it for ten days while the Legislature is in session, it becomes law without his signature. If he withholds action for 10 days after the legislative session, the measure does not become law (pocket veto).

If the Governor has objections to a bill, he may return it with a statement of his objections in writing (veto), to the branch in which the bill originated, where the bill is again considered. If two-thirds of the members present in that branch vote to pass the bill, notwithstanding the Governor's objections, it's sent to the other branch, and if two-thirds of the members present in the second branch also vote to pass it, it becomes law. If a vetoed bill does not receive at least a 2/3 vote of members present in both branches, it fails to become law.

This final act in creating a new law becomes a significant one. Many measures that are considered to be important by the Legislature do not become law because of a gubernatorial veto. A large number of bills — 95 — were vetoed by the Governor in the last two years; 80 of these were pocket vetoes, and, of those remaining, only 4 of the 15 vetoes were over-ridden by the Legislature.

The following is an analysis of some measures that were considered by the Legislature to be important but which were vetoed by the Governor.

Three bills were pocket vetoed for two straight years by the Governor: a bill to abolish the pre-primary convention and retain only the primary, a bill to provide additional bond issue funds for the Vietnam Veteran Bonus Law of 1968, and a bill that would have permitted local communities to put up four-way stop signs at intersections which have a particularly bad accident record.

A fourth bill, only slightly modified in 1972, was vetoed in both years; the so-called "Billboard Bill". These bills would have given local communities control over all billboards. Because the 1972 bill had an effective date of January 1974, it was vetoed, although this will postpone until next year any action on another version of this bill.

Many gubernatorial appointees, whose terms are covered by the coterminous law, have found themselves in a "hold-over" status, without formal re-appointment or replacement. H.6077 of 1972 would have required the Governor to replace them or re-appoint them within 120 days, but the measure was pocket vetoed by the Governor.

Another measure pocket vetoed by the Governor was H4898 of 1972, a measure that would have given the local government veto power over the location of natural gas storage tanks. Marshfield, Ludlow, and other communities have found that they have potentially dangerous storage tanks abutting schools. This measure would have prevented this from occurring by a simple vote of the selectmen or city council.

Consumer Protection and Tenants' Rights Groups have been advocating for several years that persons be permitted to file a class action suits against a group or a governmental agency to challenge illegal actions. A measure to permit such suits was pocket vetoed at the end of the 1972 session.

A sampling of the measures among the 95 vetoed by the Governor were:

- A bill to release \$54 million to Boston, despite conflict with the racial imbalance law, to prevent the closing of all Boston public schools in November;
- A bill to permit the state to take over from the counties the cost of the Superior Court to insure a properly financed judicial system.
- A bill to increase the penalties for welfare fraud;
- A bill (the so-called Park Plaza Bill) to grant a variance to the city of Boston to construct



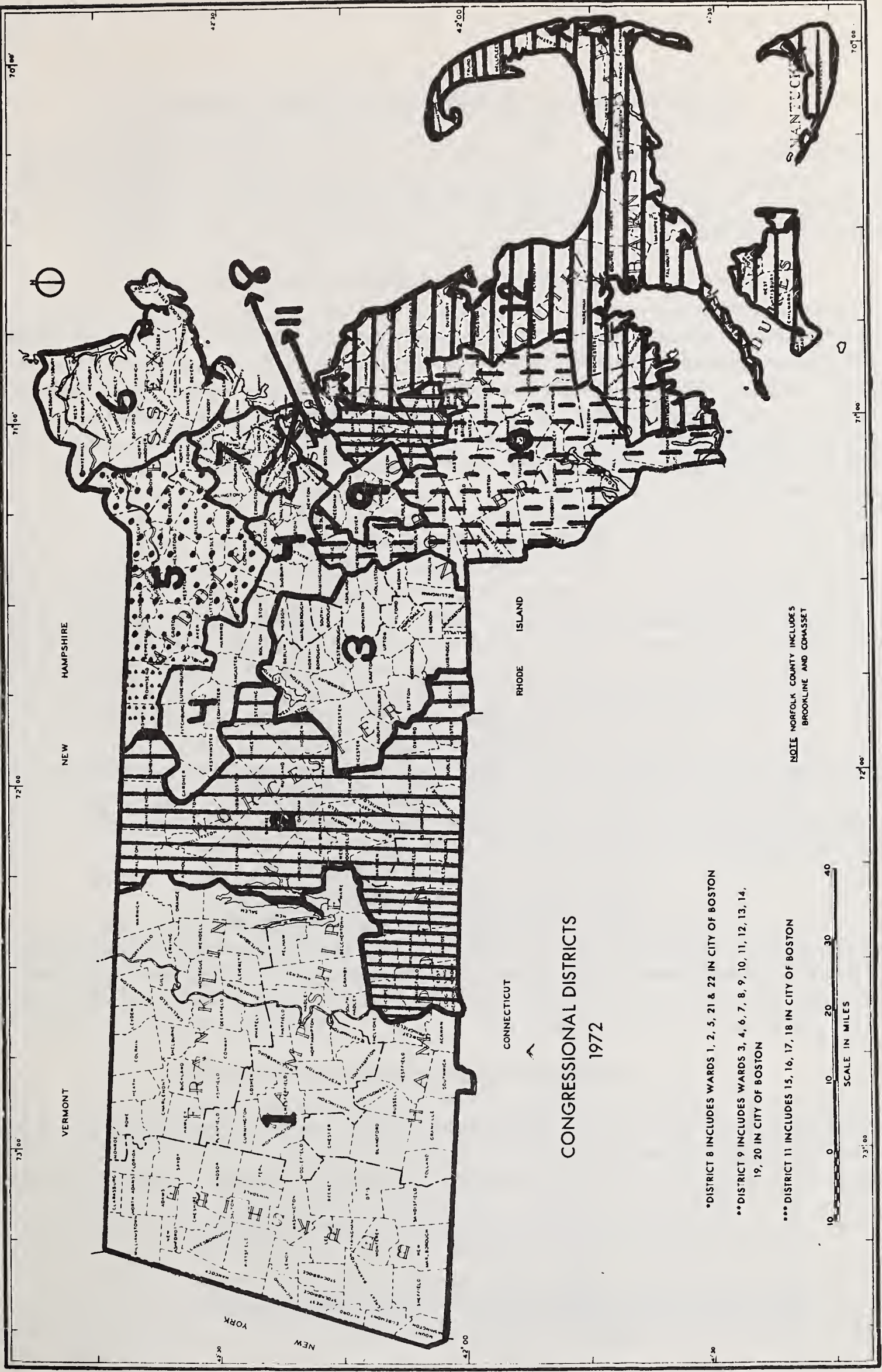
urban renewal programs, not involving state funds, without prior approval of the Department of Community Affairs; and

— A bill to permit the city of Medford to set up a revolving fund for the creation of a municipal community school program.

## **CONGRESSIONAL REDISTRICTING**

After each Federal Census the Legislature is charged with the duty of redistricting the twelve Congressional seats apportioned to the Commonwealth. As prescribed by the U.S. Supreme Court each district is comprised of as close to an equal number of registered voters as is possible. Each district represents approximately 475,000 citizens.





# CONGRESSIONAL DISTRICTS 1972

- \*DISTRICT 8 INCLUDES WARDS 1, 2, 5, 21 & 22 IN CITY OF BOSTON
- \*\*DISTRICT 9 INCLUDES WARDS 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20 IN CITY OF BOSTON
- \*\*\*DISTRICT 11 INCLUDES 15, 16, 17, 18 IN CITY OF BOSTON

NOTE NORFOLK COUNTY INCLUDES  
BROOKLINE AND COMMASSET



## **SELECTED REPORTS OF SPECIAL COMMISSIONS**

During the past two year session of the General Court, many special commissions have been created to investigate specific areas of legislative concern. These commissions publish their findings at the completion of the investigation and list recommendations not only for further study areas, but for legislation as well.

### **SPECIALIZED ELDERLY HOUSING (Chapter 64 of 1971)**

It is estimated that as many as 40% of those now in nursing homes do not need the 24-hour a day nursing care provided in these facilities; at the same time, they do need more care due to various infirmities than is provided by regular elderly housing projects. The goal of the study commission is to ascertain whether a housing facility can be designed which is between the options of total independence in a elderly housing project and the total dependence of a nursing home. The major idea to be evaluated by the commission is that of congregate housing — programs where the person or couple is provided with an efficiency apartment with only a partial kitchen and with common dining room and recreation room facilities.

### **NEW COMMUNITIES (Chapter 41 of 1971)**

One of the most exciting new developments in the Housing industry in the last decade has been the emergence of the “new town” concept as a viable solution to the nation’s housing needs. The program has been used quite successfully in Europe for over thirty years but had only haltering success in the U.S. until the mid 1960’s. The growth of Reston, Virginia, and Columbia, Maryland has spurred new interest in the concept. The commission is set up to study the varying concepts of new town construction from the green belt villages in London to the luxury suburbs of San Antonio and to the proposed “Soul City” in central South Carolina. Also to be studied are the range of sizes in these programs from the mini-city within a city, the multiple village program or entirely new political entities such as Reston and Columbia. The possibilities are almost limitless and a major function of the commission will be to ascertain which programs will have viability in the Massachusetts environs. A major new proposal would create a “new-town-in-town” along the corridor of the Southwest Expressway in Boston.

### **TRENDS IN MORTGAGE LENDING**

The Joint Committee on Banks and Banking is presently studying trends in mortgage lending by Massachusetts banks. The object of the study is to determine whether banks of various types, e.g. savings banks and cooperative banks, have sufficiently, over the past ten years, supplied enough credit to consumers looking for housing and whether they have provided responsible service to those from ghetto areas who have sought loans.

### **HEALTH BENEFITS AND HEALTH SERVICES**

On March 9, 1971 the House adopted House Order 5049 to create a Joint Special Committee on Health Benefits and Health Services.

The basic format and structure for this crucial study were outlined by House 5049 as follows:

1. The Committee is to study hospital costs and the reasons for the ever increasing costs of hospital care.
2. The Committee is studying the public and private financing of health care and supportive health care services.



3. The Committee is studying existing health care resources both public and private agencies including nursing homes, laboratories and mental health facilities.
4. Finally the Committee is studying health care manpower both professional and non-professional including education, certification and licensure, distribution and utilization of personnel and supportive health care and allied health care personnel.

During 1971, the Legislature adopted Chapter 1080 of the General Laws, an interim measure formalizing a "certificate of need" process in the Commonwealth. This process requires written determination by the Department of Public Health that certain capital expenditures or changes in service by health facilities (generally, hospitals, clinics, and longterm care facilities) and needed before such an expenditure or change in service can be made.

While Chapter 1080, the interim legislation, was in effect, the Committee carefully considered all of the ramifications of a permanent statute, and concluded that continuation of the "certificate of need" process, on a permanent basis and with key modifications is definitely warranted. The Committee filed an Interim Report numbered H.5968 with "certificate of need" labeled as Appendix C. The "certificate of need" legislation was subsequently enacted by both branches of the Legislature and signed into law as Chapter 715 of the Acts of 1972.

The certification of need process, while of critical importance in and of itself, must be viewed as but one part of a much larger public concern — how should society distribute its medical resources so as to treat every citizen fairly and with dignity. The manner in which health needs are met is a very important part of this larger concern.

### **POLLUTION OF BOSTON HARBOR COMMISSION (Chapter 44 of 1971)**

This commission is investigating the causes of pollution in the historic Boston Harbor area and various methods of environmental betterment. (Among other environmental issues being studied by legislative commissions during the 1971 Session of the General Court were: the management and accessibility of public beaches, the feasibility of establishing public utility corridors, the reuse of solid waste, and the environmental problems prevalent in the Connecticut Valley River Basin area.)

### **JOINT SPECIAL COMMITTEE ON LAND USE**

Cognizant of the crucial environmental issues related to land use and land planning, the General Court established a Special Joint Committee to investigate this vital matter. Included in this Committee's labors is the integration of all state held lands and investigation of the feasibility of establishing a Land Bank mechanism.

### **FURTHER INVESTIGATIONS**

During the 1972 legislative session many more investigations have been authorized to study various areas of concern within the Commonwealth. Additionally, more than one-hundred reports have been filed with the House and Senate Clerks by the special commissions, committees and sub committees involving such areas as air pollution, discrimination, Boston Harbor islands, utilities, welfare, consumer protection, water and noise pollution, the elderly and along with recommendations for legislation, aid the General Court in its efforts to effect meaningful legislation to improve deficient areas which arise in our society. Among the major new studies authorized during 1972 which will report 1973 are a study of means of assisting and promoting the tourist industry, a study of the canons of judicial ethics, a study of the proposed merger of Lowell Tech and State College at Lowell, and a study of the transportation, education and training needs of the handicapped

## **STATE EXPENDITURES**

Because the State budget is, unavoidably, a complex and abstruse financial plan, its significance as a priority-setting document has in the past been obscured in a welter of technicalities. To improve public understanding of the budget this booklet contains the following analysis of the priority-setting content of the budget, with an explanation of the government policy proposals for dealing with state issues. To facilitate this process the following segment of the booklet is divided among four subsections: 1) the Budget, 2) the Tax Revenue Act of 1971 (Ch. 555), 3) Revenue Sharing and 4) the Graduated Income Tax Proposal.

### **BUDGET**

The fastest growing segment of government today is not the federal government despite its quarter of a trillion dollar budget but rather the governments of the fifty states. It was not until the mid 1960's that the Massachusetts state budget slowly inched toward the billion dollar mark. In the few short years since that time it has climbed dramatically until it has now topped the two-billion dollar level for the last two years.

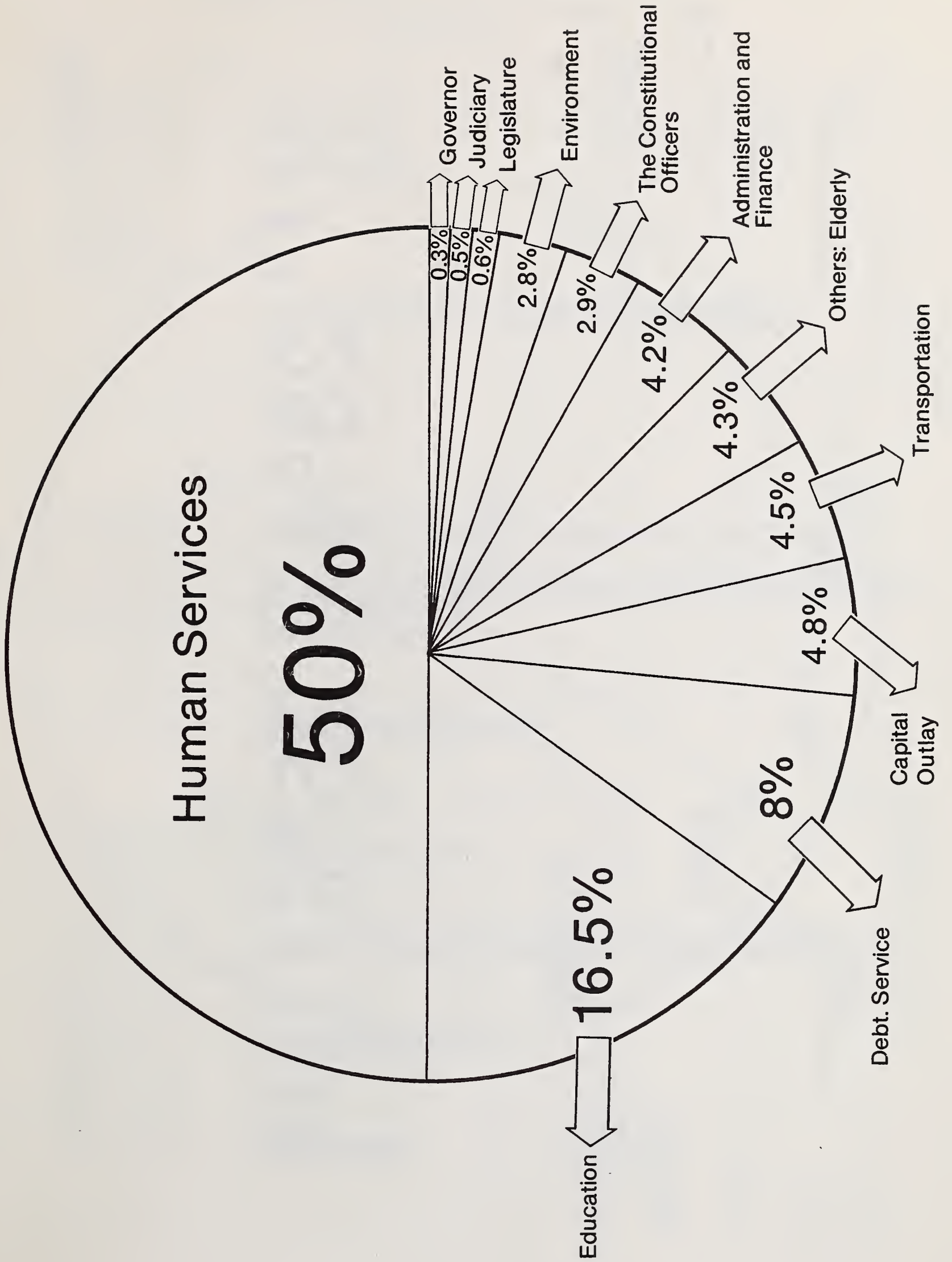
But the state budget is far more than a collection of numbers proposing how much should be spent on the vast array of state activities and how much money should be raised.

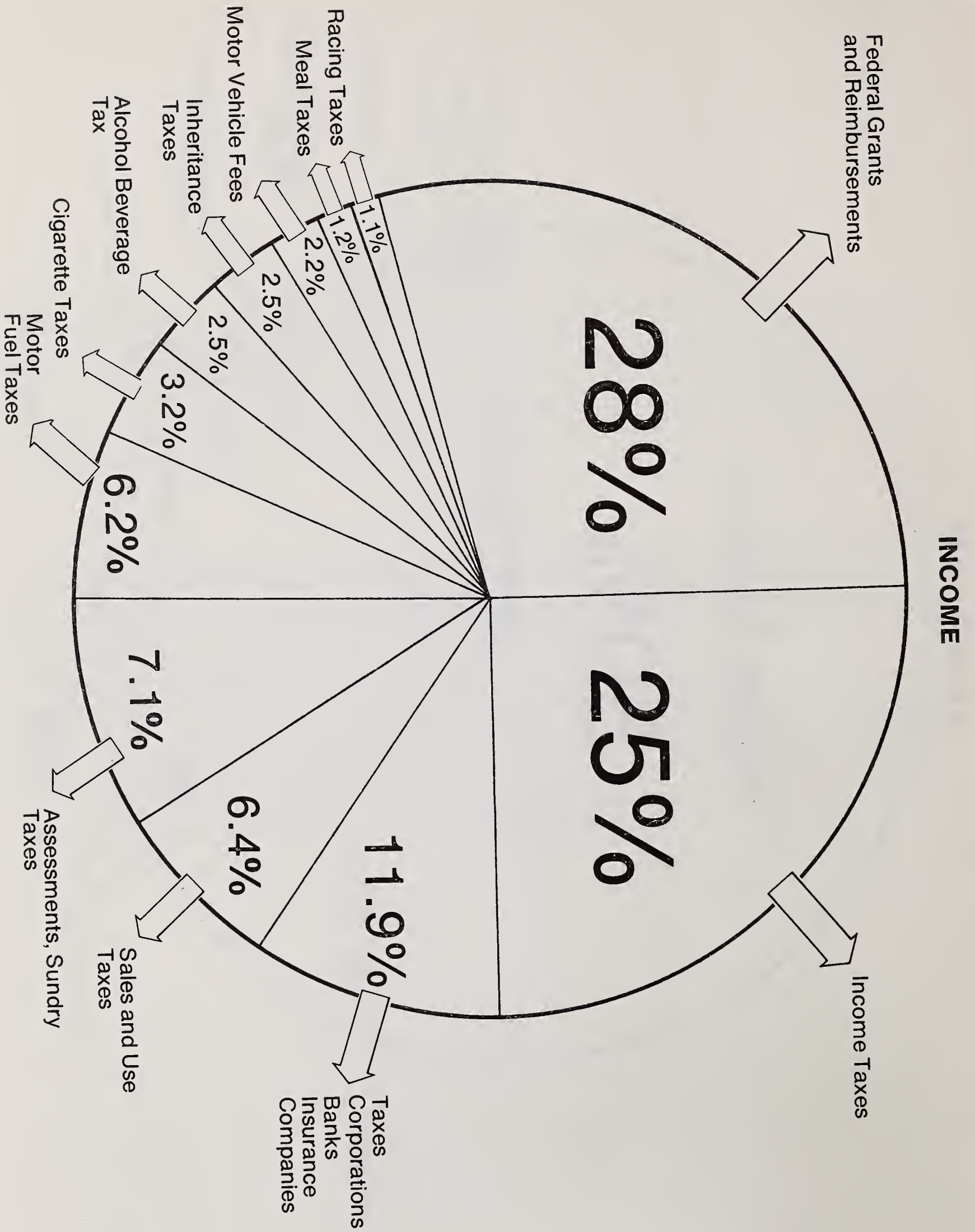
The budget is a means of determining how state resources should be allocated — the relative importance to be accorded public, and private needs, education and environmental spending, highways and health care, library assistance and welfare aid.

The choice of taxes to provide state revenues determines how the burden of paying for government services is shared among various groups in the population.



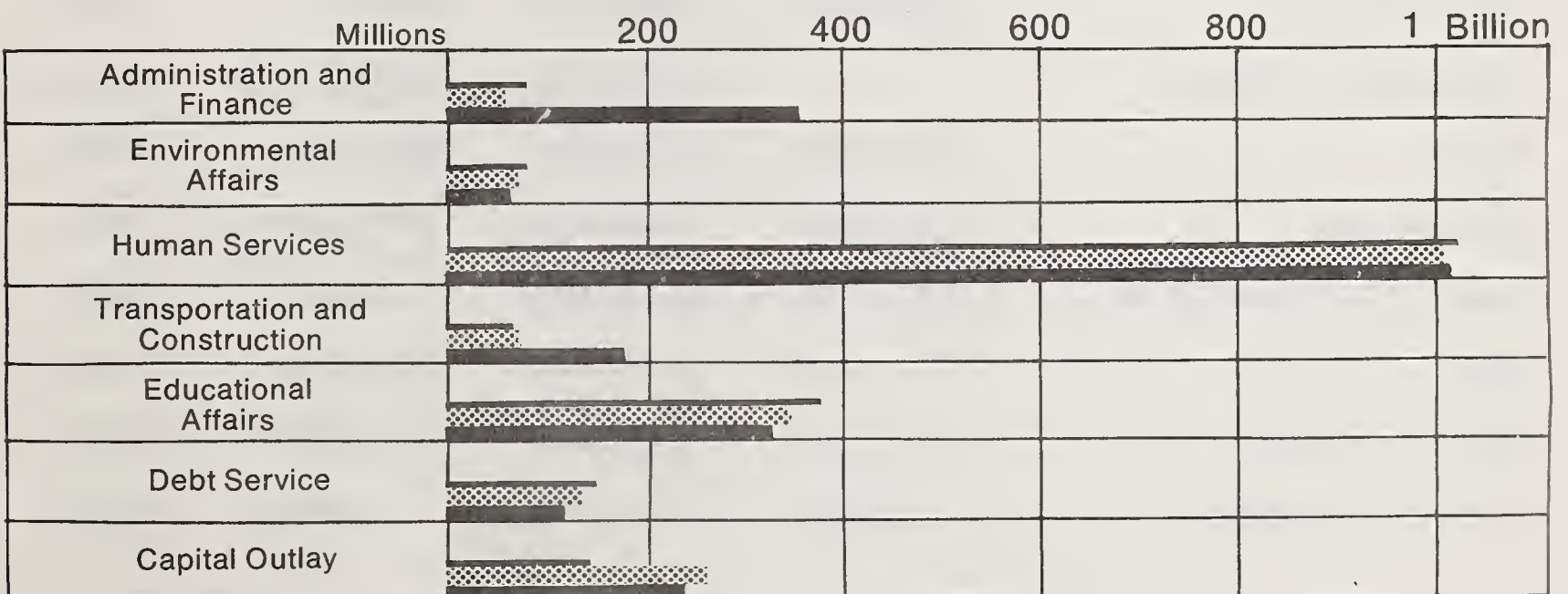
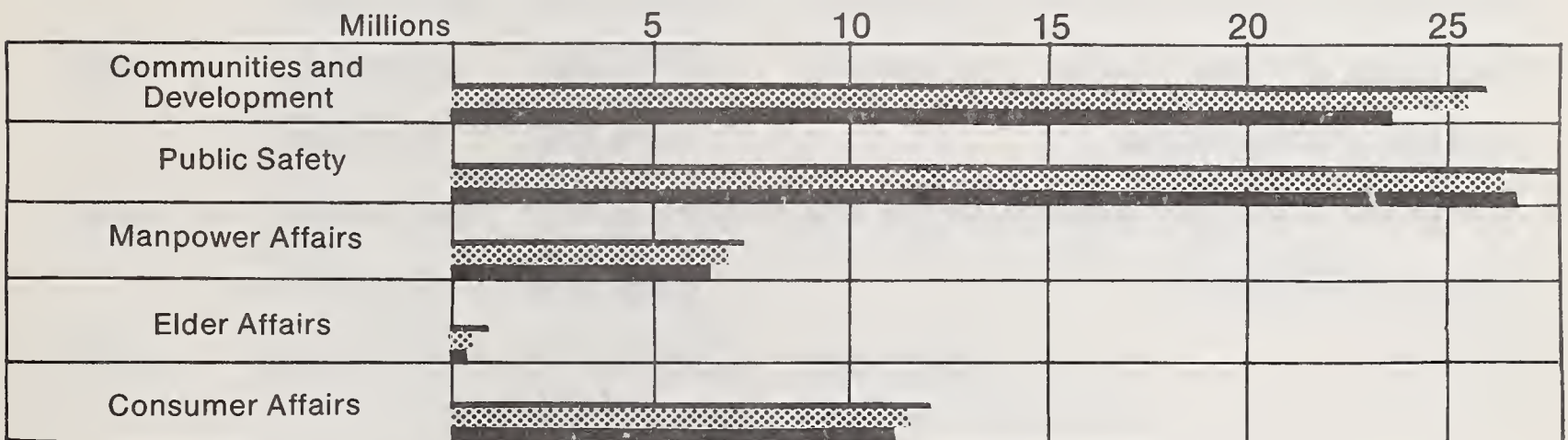
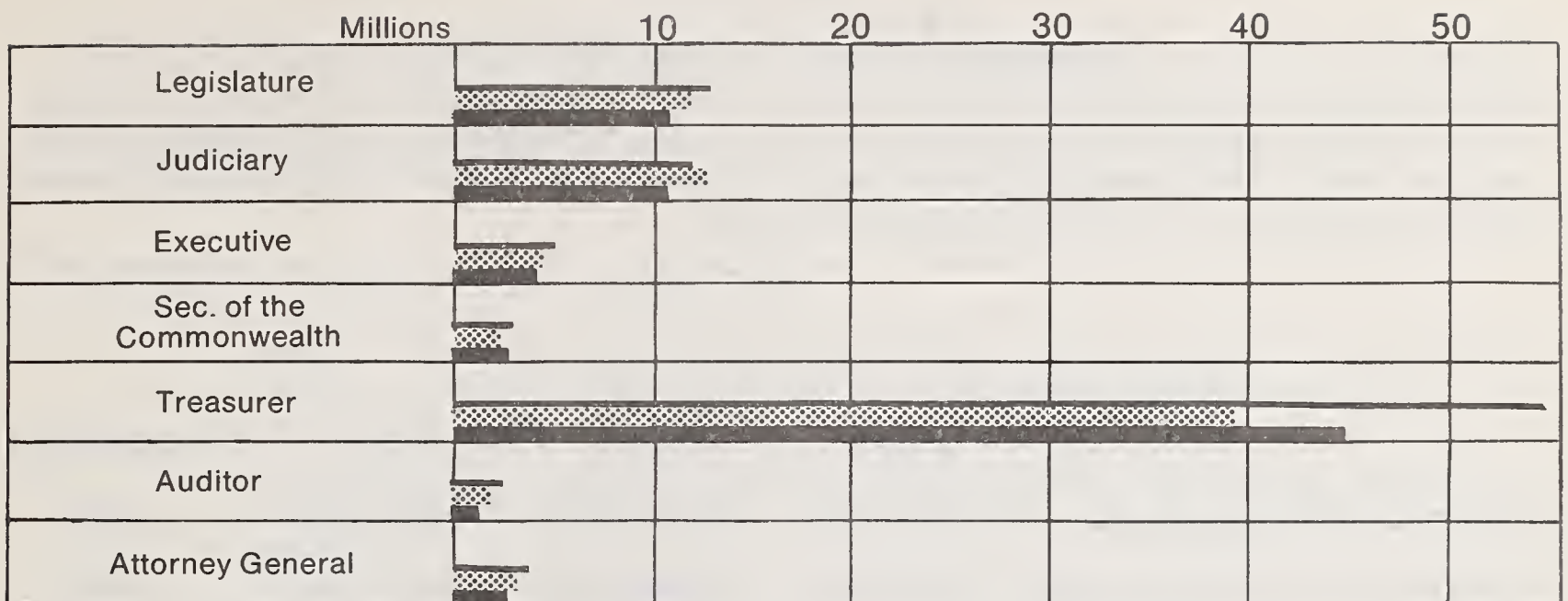
EXPENDITURES







# COMPARATIVE BUDGETARY EXPENDITURES 1971-72-73



1973 —————  
1972 .....  
1971 —————

## SELECTED BUDGET APPROPRIATION

The following figures represent some of the more notable expenditures made during the last legislative sessions. By comparison to the Fiscal 1960 the FY 1973 figures demonstrate the concern of State Government on a variety of important matters.

	<b>FY 60</b>	<b>FY 72</b>	<b>FY73</b>	<b>INCREASE</b>
<b>Department of Corrections</b>	<b>10,065,012</b>	<b>27,118,247</b>	<b>28,584,897</b>	<b>180%</b>
<b>Department of Youth Services</b>	<b>3,797,974</b>	<b>10,083,793</b>	<b>11,174,054</b>	<b>200%</b>
<b>Department of Public Welfare</b>	<b>58,906,000</b>	<b>816,053,624</b>	<b>896,917,389</b>	<b>**</b>
<b>Department of Public Health</b>	<b>18,758,987</b>	<b>50,172,206</b>	<b>55,668,275</b>	<b>190%</b>
<b>Division of Alcoholism</b>		<b>1,278,654</b>	<b>2,121,304</b>	<b>*</b>
<b>Department of Mental Health</b>	<b>59,771,734</b>	<b>155,739,731</b>	<b>168,145,021</b>	<b>180%</b>
<b>Drug Rehabilitation</b>		<b>3,086,260</b>	<b>3,424,775</b>	<b>*</b>
<b>Education</b>	<b>92,275,000</b>	<b>354,799,293</b>	<b>385,170,192</b>	<b>320%</b>
 <b>State Colleges</b>	 <b>9,008,000</b>	 <b>42,400,797</b>	 <b>45,726,131</b>	 <b>400%</b>
<b>Community Colleges</b>		<b>24,722,872</b>	<b>25,265,566</b>	<b>*</b>
<b>M.D.C.</b>	<b>9,625,289</b>	<b>40,489,250</b>	<b>39,931,298</b>	<b>300%</b>
<b>Civil Service</b>	<b>1,633,890</b>	<b>3,405,500</b>	<b>3,900,400</b>	<b>190%</b>
<b>House of Representatives</b>	<b>1,784,640</b>	<b>5,777,628</b>	<b>5,734,551</b>	<b>220%</b>
<b>Senate</b>	<b>441,010</b>	<b>2,125,040</b>	<b>2,151,790</b>	<b>390%</b>
<b>Governor's Office</b>	<b>301,800</b>	<b>1,450,470</b>	<b>1,799,470</b>	<b>500%</b>
<b>Lt. Governor's Office</b>	<b>29,400</b>	<b>113,100</b>	<b>118,800</b>	<b>310%</b>

\*were not in effect in 1960 for percentage comparison

\*\*No percentage is offered since the state did not take over full welfare burden until July 1, 1968.



**Tax Bill — 1971**  
**Chapter 555 of 1971**

With the state faced with a severe shortage of funds the Legislature was presented a new tax plan by the Governor in 1971. After several months of careful study the Committee on Taxation with the assistance of the Master Tax Plan Commission submitted its recommendations.

**The legislation eventually passed is outlined below:**

- A. Real estate property income is now taxed (5%)
- B. Interest on savings deposits in state banks now taxed — first \$100 interest per person exempt
- C. Tax on “un-earned” income was raised from 8% to 9%. “Un-Earned” income is defined as items such as capital gains and interest on bonds or savings deposits.
- D. Flat rate income tax percentum raised from 4% to 5%.
- E. No tax paid by a single person earning less than \$3000.00 or a couple earning less than \$5000.00
- F.
  - 1) \$2000 personal exemption
  - 2) \$2600 for those over age 65
  - 3) \$4000 for the blind
  - 4) \$600 for dependent
- G. 1% Gross Investment Tax on Insurance Companies
- H. Excise on excess premiums of non-Massachusetts insurance companies on other than life insurance
- I. 6 1/2% tax on utility companies
- J. Meals Tax reduced from 5.7% to 5.0%
- K. Limited sales tax of 3% levied on certain new items such as alcoholic beverages sold on premises

**In addition further monies were raised via:**

- 1) A New Cigarette Tax of 4¢ of which 2¢ was designated for the MBTA
- 2) A New Gasoline Tax of 1¢ per gallon raising the tax rate from 6.5¢ to 7.5¢ per gallon of gasoline sold

Total estimated yield: \$250 million.

## THE SHEPARD AMENDMENT

The rapid rise in the size of the Commonwealth's budget has caused serious fiscal dislocation. Unfortunately, it was quickly apparent that most of the talk about "austerity" and "belt-tightening" was taken seriously by only a very few. As noted by Richard A. Manley, the executive vice president of The Massachusetts Taxpayer's Foundation, "Original requests by the secretaries and department heads totaled \$2.58 billion, or \$600 million over current appropriations. This is most disturbing because these request figures are unrealistic and show little appreciation for the fiscal plight of the Commonwealth." Even after the Governor had made cuts the budget remained at 13.5% above the budget figures for fiscal 1972.

The Massachusetts Taxpayers Foundation under a plan developed by Mr. Charles Shepard, former Commissioner of Administration and Finance under Governor Sargent, sought action to curtail the budget in order to avert almost certain financial disaster. As the foundation noted, "The Governor's financial plan is seriously out of balance . . . without drastic cuts, Massachusetts Taxpayers face a minimum deficit of \$70 million, and probably much more which will result in a substantial tax bill in 1973 and certainly a further tax bill in Fiscal 1974."

The Foundation formulated a plan to freeze a portion of the budget which would hopefully reduce the need for new taxes in 1972. Backed by the resources of the Foundation both the Democratic and Republican Legislative Leadership inserted the amendment proposal into the budget.

Despite pressure from the Governor's office to eliminate the plan, it remained in the budget. The plan will impose restrictions upon the executive which will force careful budget management and "monetary-use" decisions. The intent of the legislature is not to cut services; quite the contrary, the intent is to mandate a more economical and efficient management system with particular emphasis on better manpower control and usage. The Legislature hopes that this amendment will finally force the Executive to utilize the Cabinet Reorganization law of 1969 as it was intended: strict budgetary control over staff/services ratios and the promotion of efficient and effective management policies. A summary taken from the original request by the Massachusetts Taxpayers follows to more fully explain this amendment:

"The plan involves selective pruning of certain categories of expenditures. Each appropriation item would be reduced by transferring from certain subsidiary accounts an amount determined according to specific percentages. The following table shows the percentage by which each subsidiary account would be reduced and compares the total amount for each subsidiary account recommended in the Governor's budget and the amount which would remain after reductions were made.



	<b>Governor's Budget Amount</b>	<b>Proposed Reductions</b>	<b>Amount After Proposed Reductions</b>
<b>02 Salaries, other (20%)</b>	<b>\$55,074</b>	<b>\$11,015</b>	<b>\$44,059</b>
<b>03 Services, non employees (25%)</b>	<b>44,936</b>	<b>10,234</b>	<b>30,702</b>
<b>07 Laboratory and Medical Supplies (5%)</b>	<b>875,304</b>	<b>43,765</b>	<b>831,539</b>
<b>10 Travel and Auto- motive Expenses (10%)</b>	<b>10,080</b>	<b>1,008</b>	<b>9,072</b>
<b>11 Advertising and Printing</b>	<b>6,344</b>	<b>634</b>	<b>5,710</b>
<b>12 Maintenance, repairs and replacement (50%)</b>	<b>17,059</b>	<b>8,530</b>	<b>8,530</b>
<b>13 Special Supplies and Expenses (5%)</b>	<b>74,553</b>	<b>3,727</b>	<b>70,826</b>
<b>15 Equipment (50%)</b>	<b>8,989</b>	<b>4,595</b>	<b>4,495</b>
	<b>\$1,088,339</b>	<b>\$83,408</b>	<b>\$1,004,933</b>

**(In millions)**

"Amounts from such reductions (except for 02) would be put into a special reserve account. Of the total amount transferred to this special reserve account, 15% will be available to meet certain critical needs which might arise. The Governor may transfer amounts needed to meet these critical needs upon the recommendation of the Commissioner of Administration based on certification of need by the appropriate cabinet secretary. However, in no case shall the amount transferred from the reserve account to meet a special need in a particular subsidiary account be greater than was originally provided in the appropriation. The "frozen" 85% of the reserve account will revert to general revenue at the close of the fiscal year.

A similar plan would be used for 02, the temporary position account. All 02 items in appropriation accounts will be reduced by 20% with the amounts from the reductions transferred to a personal service reserve account. Fifteen percent of this account, would be available to meet critical needs in a similar manner as for the special reserve account, the remainder reverting to general revenue at the end of the year.

In no case, however, shall the amount transferred from the personal service reserve account to meet special needs under 02 be greater than was previously provided in the appropriation. Also, the employment of such temporary or emergency employees or payments for overtime shall be in accordance with the civil service provisions and restrictions for regular employees.

The percentages stated in this plan are arbitrary. However, as listed here, they would result in a gross reduction in expenditures of \$83 million, and assuming that the 15% for special needs is spent, a net reduction of \$71 million. Such a plan would require the secretaries to exercise budget control and to utilize the budgetary powers which they already have.

The following articles explain some state wide reaction to the so called Shepard Amendment and the additional welfare budget cuts subsequently announced by the Executive.

## ***Wrong Target on Welfare***

Richard A. Manley, executive vice president of the Massachusetts Taxpayers Foundation, takes his hat off to no man in his furious fight to lower costs for the Massachusetts taxpayer. Manley has recognized that the state's "1973 fiscal mess is the most serious financial crisis since the depression." The MTF was largely responsible for persuading the legislature to adopt a so-called "freeze amendment" to try to hold the line on state expenses — including the worrisome welfare costs.

But Manley knows a phony political ploy when he sees one. And he has seen one in the Sargent administration's play to the galleries in ordering sharp cuts in benefits for welfare recipients on Oct. 1 at a time when the price index is still rising. It was not the militant leader of the welfare mothers' organization, but the head of a conservative "establishment" organization, the MTF, who said: "The administration is using and abusing welfare recipients as pawns in a cruel political game." He said the administration is "playing to the popular belief that welfare mothers are getting rich on \$73 a week."

Can nothing then be done to lower welfare costs? Plenty can be done, as Manley points out. Why didn't the administration choose to eliminate some of the ineligibles who account for 22 per cent of Medicaid recipients, he asks? The U.S. Department of Health, Education and Welfare has found errors as high as 40 per cent in the administration of welfare benefits. The state Welfare Department itself admitted last January that poor administration is at the root of the welfare mess — not the money given to recipients.

Welfare administration has long been hobbled by politics, a continued shortage of trained workers, paralyzing civil service regulations, and welfare-union imposed rules that often don't allow the Welfare Department to function with those trained workers it does have.

The facts are, says the Massachusetts Taxpayers Foundation, that large amounts of money are lost each year in welfare in inefficiency and poor administration. Manley asks: Should not cost control take precedence over service cuts? A good question.

*Worcester Telegram, 1972*



# That budget freeze

Even the most conservative critics of the state's fiscal picture agree that some kind of tax program is going to be submitted next year to the Legislature which will be elected this fall.

What kind of a program and whether any tax program can be enacted in the aftermath of recent successive increases depends on a number of interacting influences. Not the least of these will be the taxpayers' confidence—or lack of same—that their money is being wisely spent.

To understate, no such confidence is presently discernible either in the general public or the General Court.

Others of these interacting factors include the outcome of the congressional battle over revenue sharing, the result of the referendum on the graduated income tax, the final legislative recommendations of the Master Tax Plan Commission, the attitude Gov. Sargent takes toward those recommendations and the receptivity of the Legislature to income tax increases as opposed to broadening and increasing the limited sales tax.

But it seems fair to say that no solution to the Commonwealth's increasingly acute financial difficulties is likely to be found unless the public is convinced at the very least that energetic and responsible efforts to harness the runaway state budget are being made.

For this reason alone, the Sargent Administration's adamant resistance to the so-called "Shepard amendment" freezing some \$83 million in authorizations for the 1973 budget is difficult to understand.

No sooner had the House passed by an overwhelming, almost unanimous vote, this unusual economy

measure than the administration began trumpeting horrendous predictions.

Catastrophic spectacles of hungry children, highways and byways without police protection, empty swimming pools and abandoned oldsters were produced for public display.

The Senate, fortunately, balked at consumption of this transparent baloney. In its action on the budget it not only retained the Shepard amendment but took firm action to curtail the ruinous rise in the cost of medical assistance and to effect economies in other welfare areas. It also granted recipients of Aid to Families with Dependent Children, Aid to the Disabled and General Relief a modest cost-of living allowance.

The budget now goes to a conference committee.

Several years ago, Sen. James F. "Blackie" Burke (D-Brockton), then chairman of Senate Ways and Means, was asked by an earnest student what committee of the Legislature was the most important. His answer was "the conference committee," a Beacon Hill in-joke whose significance probably escaped his interrogator.

Let it suffice to say here that the committee has an obligation to retain the thrust and most of the details of what the branches have accomplished so far with the budget.

The budget freeze amendment is the brainchild of former Administration Comr. Charles E. Shepard.

Now a consultant with the Massachusetts Taxpayers Foundation, he knows as much as any man about state fiscal affairs and has the respect of a Legislature he served for years with integrity.

The amendment is not, as administration spokesmen would have the public believe, a meat-ax slash. It is rather a tool, and precisely the kind of tool envisioned when, years ago, the cabinet-style reorganization of the Executive Branch was proposed.

Paradoxically, the Sargent cabinet and the governor himself seem to be resisting the opportunity to employ that tool to accomplish what the reorganization promised—control over the exponentially rising costs of state government.

But the Shepard amendment is more than a tool. It is a warning and a symbol. Its overwhelming, bipartisan adoption is a warning that public patience with the rising cost of state government is exhausted. And it is a symbol of determination to do something about the situation.

Knowledgeable people in and out of the Sargent Administration are aware that, as in the past, deficiency budgets are available to authorize spending if the freeze should fail.

The administration's reluctance even to try this budgetary tool is probably traceable to its need to serve the special constituencies of individual bureaucracies. No administrator wants to have his budget cut, if he is worth his salt.

But the salt is running short, and there is a larger constituency to be served. For years, the Legislature has paid unconvincing lip-service to the idea of economy in government while quietly making mutually satisfactory budget arrangements with the Executive. This year, the lawmakers, responding to public outcry, have actually tried to do something responsible to control costs. It would seem the least the administration could do would be to give it a try.

*Boston Globe, 1972*



## **CUTS IN WELFARE CHECKS CRISIS: A FACT SHEET What Has Happened?**

Cuts in welfare payments effecting 422,000 of Massachusetts' welfare recipients, including 200,000 children and their families, were announced last week by the Sargent Administration. On October 1, 1972, there will be a 4% cut in welfare payments to Aide to Families with Dependent Children (AFDC), Disability Assistance (DA), and General Relief (GR). This is an unprecedented act. Never have there been cuts in the level of welfare payments since the State took over the welfare system in 1968.

In dollars, this translates to monthly welfare payments being cut from \$6 to \$15. AFDC checks will be cut by an average of \$12 to \$15. A mother with one child now receives about \$187 per month. Disability checks, now averaging \$160 per month, will be cut \$6 to \$7. General Relief checks, now about \$130 per month, will be cut from \$8 to \$10. No decision has been made on Old Age Assistance checks.

### **Why?**

In passing the Mass. State Budget for Fiscal 1973, the State Legislature adopted a plan drawn up by the Massachusetts Taxpayers Foundation resulting in the freezing of \$67 million of the \$2.2 billion State budget. This freeze affects every department in the State. Under the terms of the freeze, Governor Sargent cannot spend more than 15% of the \$67 million without legislative permission. The amount of the welfare department budget freeze comes to about \$35 million. This was achieved by a 4% reduction in three of the cash assistance Programs, as well as 4% cutbacks in other services such as children's services and medical services. Staff cuts are also anticipated.

### **Are Cuts in Recipients' Money Really Necessary?**

No. Not even the leaders in the State Legislature or the Mass. Taxpayers Foundation who started this dangerous game in the first place say that these cuts in recipient checks are needed. In fact, Welfare Commissioner Steven Minter publicly stated that he does not feel that reductions in recipient grants should be made to deal with the \$35 million departmental budget freeze. Governor Sargent must take full responsibility for this decision himself.

### **What Are The Alternatives?**

The option mentioned by both the legislative leaders and the Commissioner of Welfare involves the department spending at its current level and filing a deficiency budget with the Legislature in January. This is not a new idea. The welfare department submits a deficiency budget every year. The state budget which is allocated never is large enough to cover the cash assistance programs and services the welfare department provides.

Since filing deficiency budgets is the usual procedure, why is Governor Sargent refusing to plan for one this year and instead announcing cuts in money payments and services? Unfortunately poor people have been caught in the middle of a political game that has been going on all year between Governor Sargent and the Legislature over the budget.

The Legislature and the Governor both bear responsibility for this crisis, but the Legislature's leadership has clearly stated that they did not intend that recipients' grants be cut. A deficiency budget presented in January when the Legislative Session begins is a viable alternative.

Two non-viable alternatives which have been mentioned are more restrictive eligibility requirements and massive administrative and personnel cuts. Tightening up on eligibility requirements will only mean denying aid to thousands of needy individuals. Massive administrative and personnel cuts will result in more chaos in the functioning of the welfare department, greater delays and inefficiency in determining eligibility and non-eligibility, and poorer service to clients.

**Press release Ms. Carol Brill, National Association of Social Workers Massachusetts Chapter.**



## STATE AND FEDERAL REVENUE SHARING

**STATE REVENUE SHARING:** \$530 million in 1972 For several years the Commonwealth has practiced a state version of revenue sharing, in a similar fashion to the Federal program approved by the Congress. The amount of money distributed\* to the local communities, 90% in the form of aid to education, is approximately 15% of the total Massachusetts budget, a figure far larger than the 2-2.5% figure of Federal Revenue Sharing. These monies (from the so-called "Cherry Sheet") are distributed on a formula basis with the total distribution figure being established under Ch. 58 and 18A. The total allotment is arrived at by using 1969 as the base year and setting the figure for that year at \$239,600,000. This figure is refined each year by a percentage equal to the percentage increase (or decrease) in the sales tax revenue. Thus far revenue has increased approximately 24% since 1969 offering a total distribution for the calendar year 1972 of approximately \$316,000,000. This money is disbursed under four categories; school aid under Ch. 70, Special Education Assistance under Ch. 69 and 71, valuation basis, and machinery basis. These last two categories represent less than \$35 million of the total allotment figure that has rapidly declined as the formula basis of these disbursements has become outmoded. The Special Education allotment has hovered at the \$15 million mark for a few years but the introduction of new programs will increase this to the \$23-\$28 million figure. The remainder, some \$255 — \$260 million, is returned for educational purposes.

In addition to this program approximately \$250 million is annually returned to the Communities for programs that the Commonwealth has guaranteed partial or full reimbursement\*. There are more than forty programs now going on for which the Commonwealth guarantees at least part of the money, ranging from money for housing authorities to school construction grants and to teacher retirement pensions.

In 1971 two new ventures were initiated to help generate new revenue for the local communities. The Lottery and Beano operations and the new gas tax will return millions to the state for distribution to the cities and towns as well as money to be included in the General Fund. Ten percent of all Beano money is to be turned over to the State, half of which is returned directly to the local community. In addition all fees for Beano licenses go to the localities. The Lottery is expected to provide \$22-\$30 million to the local communities, representing 40% of the total Lottery earnings. Estimates on the income vary widely on the money from the gas tax increase but it is expected to be at least \$23.5 million.

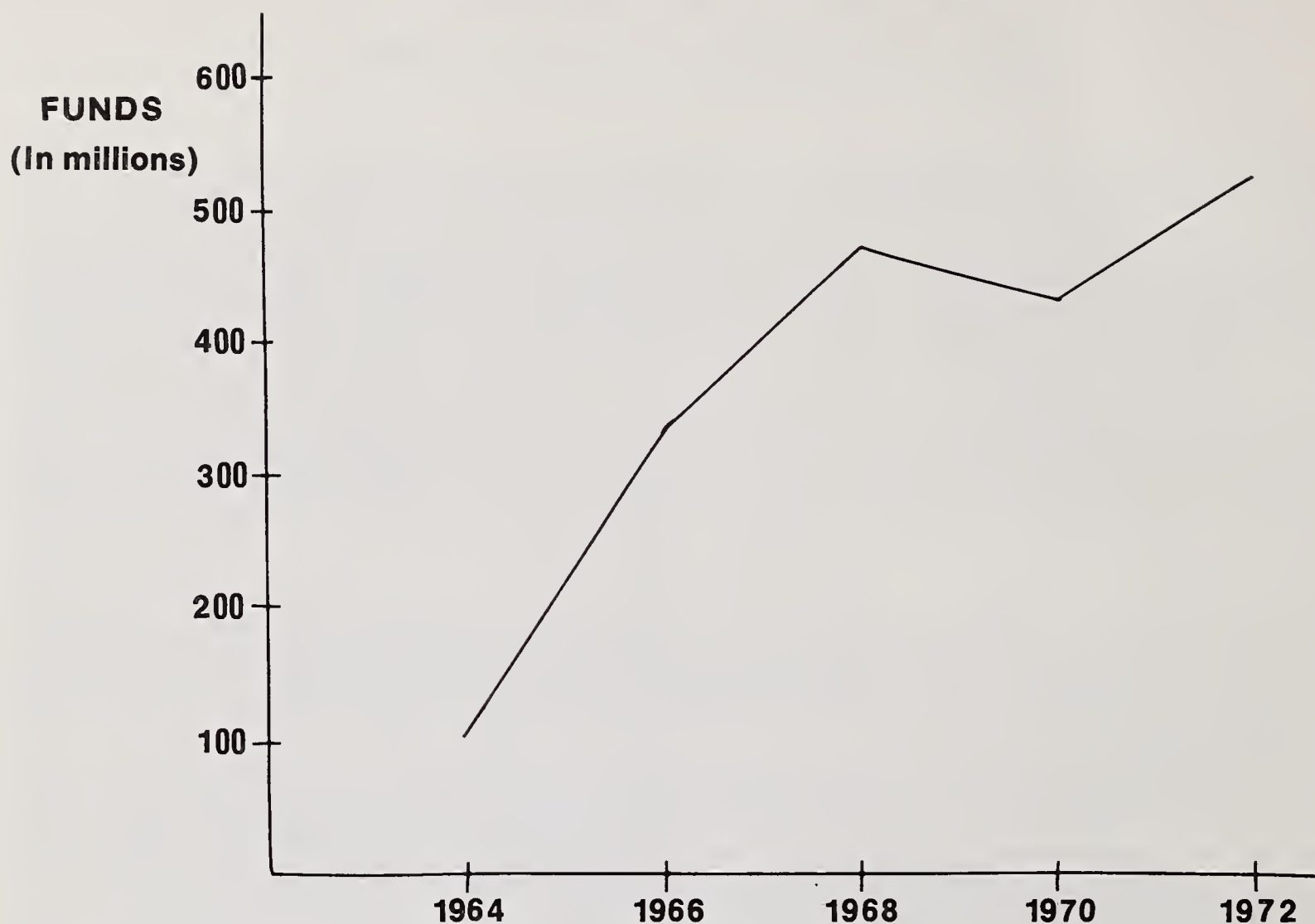
The total from all these programs, both distributions and reimbursements do not include any of the hundreds of millions paid out to individual citizens in unemployment compensation, welfare benefits, and pensions, is over \$530 million for 1972.

A continuing problem that has been pointed out by the Massachusetts Taxpayer's Foundation is the under funding of the local aid fund by the Executive, totaling some \$25 million.

\*NOTE: a distribution is a grant of money to pay for a program. A reimbursement is a grant to offset the costs of a program that has already been paid for by the locality.

## LOCAL AID FUND ALLOCATIONS

### State Assistance to cities, towns and regions



The Massachusetts local aid formula has been revised several times during the past decade — each revision resulting in more aid for local communities. (The differences in years 1968-1970 must be viewed with consideration for the total state assumption of welfare costs completed after 1968).

### Revenue Sharing Federal — H 14370

One of the most significant proposals of the last five years to aid both local and state governments has been that of revenue sharing — the federal government returns money it has collected for use by state and local governments. In June of this year the House of Representatives passed a compromise revenue sharing proposal (House 14370).

**The following is an analysis of that proposal.**

#### **BACKGROUND:**

This proposal is a compromise between President Nixon's proposal of last year and that of Rep. Wilbur Mills filed last November. The principle difference is that the newest proposal offers more Money for local and county government. House 14370 mandates 65% of the total of \$5.3 billion to the localities while the Nixon proposal mandated only 45% of this total to the counties and municipalities.



This \$5.3 billion figure is guaranteed for a five year period. At that time the Committee bill calls for a re-examination of the proposal to check inequities. House 14370 like its “Mills’ predecessor” House 11950 is retroactive to January 1, 1971, but this provision is probably the most vulnerable in the entire proposal.

## **PROVISIONS:**

### **Spending Limitation:**

#### **State Level:**

no restrictions are placed on the use of funds

#### **Local Level:**

- 1) maintenance and operation which includes public safety, environmental protection and public transportation and,
- 2) capital expenditures which include sewage collection and treatment, refuse disposal and again public transportation.

### **Distribution Formula:**

The states are offered a degree of flexibility to shift addition funds to the more urbanized or poorer areas.

#### **State Level:**

Each state is guaranteed at least 1% of its federal tax effort. In addition to each state will be ranked according to its tax effort relative to each of the other state and the remaining money distributed.

#### **Local Level:**

Local funds are split between the counties and municipalities on the basis of the tax effort of each government relative to the other. In other words if a county raised a million dollars in taxes but the towns combined raised a total of \$9 million, the county would get a 10% share of the revenue provided.

The formula for local distribution can be slightly altered by the states after the first year but it will be basically as follows:

- 1/3 on the basis of state population
- 1/3 on the basis of urbanized population
- 1/3 on per capita income vs. nation average

### **Piggybacking:**

If at least five states agree, beginning in January, 1974, the federal government will collect a state’s personal income tax for them. This will save the states even more than the 15% return on state taxes proposed by House 11950.

### **Maintaining Tax Effort:**

Provision is made to prevent a state or local government from cutting back on its tax effort as the federal money comes in. This will guarantee that needed programs will be expanded rather than simply maintaining a status quo.

### **Massachusetts Outlook**

Because of the formula changes Massachusetts will receive some \$35 million more than under the Nixon proposal. With the exception of the \$82 million increase for New York this is the largest increase offered.

At the state level Massachusetts will receive \$74.6 million which is the 6th largest amount offered.

At the local level the Commonwealth will receive \$104.4 million or the largest share.

The total of \$179 million for Massachusetts is the 9th largest share offered by the Committee formula.

## **The Graduated Income Tax Amendment**

On the ballot in November is an amendment to the Constitution which if adopted will permit the Commonwealth to replace the flat rate system with a more progressive graduated system of income taxation. The General Court passed the proposal by an overwhelming vote in each of the two sessions it was presented. This amendment will be the key to any major tax reform initiated in the Commonwealth.

The following section is an analysis of the graduated income tax proposal. A large segment of this analysis was done by Edward Moscovitch, a former staff economist for the Federal Reserve Bank of Boston, in an article on the Graduated Income Tax System for the *National Tax Journal* in March, 1972, edition.

There are at the present time five major industrial states which have flat rate income tax program — Indiana, Illinois, Michigan, Pennsylvania, and Massachusetts. By using a graduated rate system in its stead these states would have the advantages of:

- transferring a greater share of the actual tax burden to the federal government
- achieving a more equitable tax system based on ability to pay
- implementing a tax structure with a strong built in growth potential
- offering the advantage of substantial increases in total tax revenues without increasing the taxes paid by over 92% of the families in the Commonwealth: approximately 95,000 families will in fact face tax increases while 1.3 million families will have the same or a lessor amount to pay.

### **Question 6 Constitutional Amendment ARTICLE OF AMENDMENT**

ART. . The general court shall have full power and authority to impose and levy a tax on incomes at rates which are proportioned or graduated according to the total amount of income received and to grant reasonable exemptions, deductions and abatements, as an alternative to the exercise of the power and authority to impose and levy a tax on incomes in the manner provided in Article XLIV of the Amendments to the Constitution of the Commonwealth. Notwithstanding any other provision of this Constitution, and without limiting the generality of the foregoing, such tax may be imposed and levied by the application of a uniform rate to the individual income tax liability as determined under the laws of the United States or by the application of graduated rates to the total individual income taxable under the laws of the United States. In either case, the general court may define the tax liability or the total income upon which such tax is imposed or levied and the graduated rates at which it is taxed by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe reasonable exceptions to and modifications of such provisions.

### **Summary as it will appear upon the ballot:**

The proposed amendment would authorize, but not require, the Legislature to modify the Massachusetts income tax laws by the use of graduated rates instead of the present flat or uniform rates. The Legislature could do this in any one of three ways:

1. Apply a uniform rate or percentage to an individual's federal income tax liability;  
or
2. Apply graduated rates to an individual's federal taxable income;  
or
3. Apply graduated rates to income determined to be taxable under Massachusetts law.

The Legislature would also be authorized to provide for reasonable exemptions, deductions and abatements and make the definition of any term used in the state tax law automatically the same as it is under Federal law.





